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# In the United States District Court,

NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES
vs.
ANDRES CASTILLERO. } No. 420.

# "NEW ALMADEN."

# TRANSCRIPT OF THE RECORD.

CALHOUN BENHAM, Esq., U. S. Attorney.
EDMUND RANDOLPH, Esq., of Counsel.

A. C. PEACHY, Esq.
FRED'K BILLINGS, Esq. } for Claimant.

REVERDY JOHNSON, Esq.
J. P. BENJAMIN, Esq.
HALL McALLISTER, Esq. } of Counsel.

SAN FRANCISCO:

1860.

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the Assayer and Administrator be reprimanded for certifying to the same without having examined it. The Junta resolved in conformity, and also that in addressing the principal assayer the said certificate be remitted to him, and he be requested to return it, that it may be sent back to the Collector to make out anew, and that like communication be addressed to the Direction of the Revenue, in respect to the administrator.

Another report from the Comptroller's Office, making distribution of the drafts for the three per cent. lately received from Tampico, amounting to three hundred and eleven dollars, sixty-four cents.

Notice was given of an opinion of the Bureau of Fomento, relative to the Tribunal of Mazapel not having elected a President. The Bureau is of opinion that the question be asked,—How can there be no miners who can read and write, when in February of the present year twenty-three voted by secret ballot by means of tickets?—The board ordered in conformity.

The Secretary said, that in the Espedientes relating to Tasco, it is shown to be true that Don José Zamora has not received the sixteen dollars per week which the Junta allowed him as administrator, ever since on the 30th ult. he offered not to claim said allowance, in the case that after a settlement of the accounts of the whole year there should have been no profit to the Junta, and also represented that the proper Bureau of the Comptroller's Office had reported on the 14th March to agree that the profit of four thousand dollars which said Zamora deducted, has been deducted exactly. The Junta resolved, that said sum may be credited to him from August to the end of December of the past year.

The Professor of the College, Don T. Ramon del Moral, having sent in some specimens of cinnabar from the presidio of Santa Clara in Californias, it was resolved, that they be transmitted to the Director, with copies of the letters of Señor Castillero, who sends them, that the proper assays of them may be made.

Report was made of a list presented by the bureau of Administration of unfinished business, and it was resolved—

*First.* That Don Enrique Mackintosh be required to collect the installments due by the assayer Don Mariano Cataño.

*Second.* That Señor Don Diego José Perez Fernandez be reminded of the sums and answers which he promised to give since the 1st of March, and that the Official letter to this effect be delivered to him in person.

And *Third.* That there be duplicated to Señor Don Miguel Moro the Official letter, in which he was asked if he was disposed to pay the interest of the eight thousand dollars which he owes on his estate of San Sebastian.

[Three Rubrics.]



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OFFICE OF THE SECRETARY OF THE MINING JUNTA. } Year 1846.

BLOTTERS OF THE MINUTES OF THE MONTH OF MAY.

*Month of May*, 1846.—*Session of 2d.*

Present, Señores Bassoco and Flores. After the approval of the minutes of the previous day there was read a communication from Don Manuel Mariano Cortazar, dated 22d ult., together with the Inventory of the articles which he received belonging to the Mine of Atargea. The Junta resolved that, pending the report of the bureau of Fomento, reply be made to him that Sor. Echevarria shall be seen, and that either through him, or by way of Queretaro, money shall be remitted to him by the Mail of Wednesday.

The Señor Licentiate Don Diego Perez Fernandez appeared, and after having agreed to the observations made by the Comptroller's Office, he represented that having to proceed to Yxtlahuaca, where he had been appointed Judge (Juez de Letras), he would give in his proposals for the payment of what he owes, for which purpose he would come on Monday to finish the settlement of the account.

[Three Rubrics.]

—

*Session of 4th May*, 1846.

Present, Señores Segura, Flores and Bassoco. The previous minutes having been read and approved, report was made of the following communications:

*First.* From the Tribunal of Pachuca, of date 30th ultimo, representing the scarcity of powder in that Mining District.—Resolved, that said communication be transcribed to the Government.

*Second.* From the District of Nieves, of date 25th ulto. in reply to Circular No. 3.—Let the bureau of Fomento report.

*Third.* From that of Bolaños, communicating the new appointment of its President in conformity with the orders of the Government.—Same resolution.

*Fourth.* From the administrator of Morelia, Don José Maria Cortes, apologizing for not having forwarded the accounts of the three per cent.—Let the Comptroller's Office report.

*Fifth.* From Colonel Don Miguel Mosio, representing that although he acknowledges against his Estate of San Sebastian eight thousand dollars owing to Señor Fagoaga, the persons to whom they should be paid have not yet been designated.—Let this communication be transmitted to Señor Fagoaga.

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*Sixth.* From Don Eugenio Bermejillo, dated 24th in Morelia, accepting the commission given to him of collecting in that city from Don José Maria Cortes, who had promised him that in 15 days he would render his accounts.

*Seventh.* From His Excellency the Director of the College, inserting the report of the professional Junta (Junta facultativa) of the same, regarding the result of the assay which it made of the specimens of cinnabar remitted by Don Andres Castillero from Californias.=Resolved, that it be transcribed to the Supreme Government, representing that this answer was not received till yesterday, and that reply has been made to Señor Castillero, asking him to point out what kind of protection or assistance he requires to give good effect to his enterprise, and finally informing it of the premiums which have been paid for National Quicksilver extracted in Guadalcazar.

The Maritime Custom-House of Tampico transmitted the index of drafts for the three per cent., amounting to four hundred and seventy-nine dollars, eighty-seven cents.=Let the notes be taken up from the Treasury.

There was read a communication from Don Julian de los Reyes, dated 22d ulto., saying that he had been informed that his previous draft for two thousand nine hundred and thirty dollars had been paid, and that he had drawn another for two thousand dollars, which, with two amounting to two thousand five hundred drawn by Don Vicente de Bustos, it is understood that no others will be presented than those corresponding to Quicksilver, which may be collected in April, and till the 24th May, when the privilege ceases.=Resolution suspended till hearing the opinion of the bureau of encouragement.

Four communications from Don José Zamora, dated the 2d inst., the first accompanying the tally reports (memorias) number 17, the statements and cash balance sheet No. 4, corresponding to last month.=Let receipt be acknowledged, and notice given to the Comptroller's Office. In the second, he informs that he requires two hundred and fifty dollars for the tally (raya) of the present week.=Understood.=And in the two last he communicates having drawn the drafts Nos. 18 and 19, which were ordered paid.

Information was given of a report from the Comptroller's Office, designating the drafts which belong to the Direction General of Industry, of the last remittance from Vera Cruz, which owes a balance of eight cents.=Resolution in conformity.

Two reports from the bureau of Fomento, in the first of which is recommended that the approval of the Supreme Government be obtained to the act of election of its president, and it was so resolved; and the other, relative to the communica-

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tion of His Excellency the Governor of San Luis Potosi, transmitting the certificates which prove that the miners of Guadalcazar have extracted nine hundred quintals of Quicksilver.= The bureau was of opinion that payment should be made of the corresponding premium at the rate of five dollars per quintal, being four thousand five hundred dollars, and that the two thousand dollars which belong to Don Basilio Martinez, being endorsed in favor of Don Julian de los Reyes, the draft which he this day gives advice of having drawn for said amount may be paid.=The Junta resolved in conformity, and said draft was ordered to be paid.

[Three Rubrics.]

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*Session of 6th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and the minutes of the 4th having been approved, it was resolved to send an Official letter to his Excellency the Minister of Justice, representing that although the Junta does not believe that it is included in the circular of the 5th inst. which orders the suspension of payment of salaries, nevertheless it desires to be informed whether it should suspend those which it is required to make for the discharge of the administration confided to it by the law passed for the Encouragement of Mines of Quicksilver.

It was likewise resolved to take note of the propositions made by the Señor Licentiate Don Diego José Perez Fernandez, to the effect that he will pay monthly, out of his salary as Judge (Juez de Letras) of the District of Yxtlahuaca, the sum of fifty dollars, till he completes the payment of his debt, which, being adjusted, has resulted to amount to one thousand four hundred dollars; the first payment to be made on the 1st July.

Señor Don Andres Castillero appeared and made a verbal report regarding the discovery, denouncement and actual condition of the Quicksilver Mine situated in the Mining District (Mineral) of Santa Clara, in Upper California, inviting the Junta to take shares in the Company which he has formed for working it, with other measures which he requests may be obtained from the Supreme Government for the furtherance of the enterprise. The Junta resolved that Sor. Castillero should present his indications in writing, that the Junta, taking them into consideration, may resolve what may be expedient.

Señor Bassoco was commissioned to correspond with Señor Don Pedro Echevarria, regarding the situating in his Hacienda of Ajuchitlan the three hundred dollars monthly which should be remitted for the support of the Mines of Atargea.

[Three Rubrics.]

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*Session of 7th May*, 1846.

Present the Señores Segura, Flores and Bassoco; and after the approval of the preceding minutes, report was made of the following communications:

*First.* From the Tribunal of Asientos, in reply to the Circular No. 3.—Let the bureau of Fomento report.

*Second.* From the agent in Guanajuato, remitting a draft for five thousand two hundred and eighty-one dollars, four rials, three grains, the proceeds of the Mining fund (Mineria) for the month of April.—That the draft be accepted, the proper entries made, and receipt be acknowledged.

*Third.* From the agent in Pachuca, of date 5th inst., with another draft for nine hundred and seventy-six dollars, proceeds of said month.—Resolution same as above.

*Fourth.* From the agent in Guadalajara, acknowledging receipt of the communication in which he was informed what was the responsibility of the agents.

*Fifth.* From Messrs. Manning and Mackintosh, informing that Don Enrique A. Mackintosh having withdrawn from the collection of the Mining dues in Guadalupe y Calvo, Don Tomas A. Mackintosh remains in his place.—Understood.

*Sixth.* From the Director of the Company of the Mineral del Monte, inquiring about the laws regulating the ownership of mines by foreigners.—Resolved, that the communication be transmitted to the advisers (consultores) of the Junta for their report.

The Junta confirmed the understanding of its resolution to pay to Señor Zamora ten dollars per week only until the end of the last week of the last year.

Finally, the account of the rents of rooms belonging to the College, collected during the last month, was presented, and ordered to be passed to the Comptroller's Office.

—

*Session of 9th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the previous day, report was made of the following Official communications:

*First.* From the Ministry of Justice, of the 7th inst., acknowledging receipt of the statement of receipts and disbursements which had been transmitted to it.

*Second.* From the same, informing that the notice of the scarcity of powder given by the tribunal of Pachuca, had been

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transmitted to the Ministry of Finance (Hacienda).=Let it be passed to said Tribunal.

*Third.* From the Commissioner at Guanajuato, of date 4th inst., transmitting the answer given by the Administrator of Revenue regarding a certificate which had been asked of him. =Let it be transmitted to the Comptroller's Office.

*Fourth.* From the Direction General of Industry, acknowledging receipt of the last drafts, and informing that the settlement of account is correct.

There was read a report from the Comptroller's Office, relative to the reply which should be made to the excuses alleged by the Administrator of the Revenue at Morelia, Don José Maria Cortes, for not forwarding his accounts, still pending, and the proceeds of the one per cent. which should be on hand in his office.=The Junta resolved in conformity, considering that recourse be had to the Inspectors of said Custom-House, and that Señor Cortes be so informed.

The Treasury reported, that having made application to the General Treasury, by order of the Minister, there had not been delivered to it the last drafts received from Vera Cruz, for four hundred and sixty-nine dollars, eighty-seven cents, nor the one for two thousand and odd dollars from San Blas, for the half of the duty of average.=Let the notices be annexed to their respective Espedientes, and information of the first be given to the Direction of Industry.

There were read two reports from the Bureau of Fomento—the first relating to the communication from the Tribunal of Nieves, of 25th ult., in reply to the Circular No. 3 recommending to call for the decree to which it refers, and that information be given of the number of deputies (Suplentes) in said tribunal.=The Junta resolved in conformity. The second informing that, there having been a new election this year for the Tribunal of Santa Rosa, it is not necessary to have another election for any of its members.=The Junta resolved in conformity.

[Three Rubrics.]

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*Session of* 11*th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the 9th, report was made of two communications from His Excellency the Minister of Finance, dated 6th and 8th inst.—the first asking information relative to the moneys paid into the treasury, and the second, relative to the receipts of the same for account of the branches appropriated to the Quicksilver fund.=Resolved, that inform-

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ation be given regarding both matters, observing to the Ministry that said communications having been received together on the 9th, at 2 o'clock, P. M., the Junta is engaged in replying in detail to the various matters contained in them.

*Third.* From His Excellency the Governor of Chihuahua, replying that he had called for the information requested of him.=To its Espediente.

*Fourth.* From the Mining Tribunal of Hidalgo, transmitting the report of the proceedings at its installation.=To the Government, if there is no illegality.

*Fifth.* From that of Temascaltepec, transmitting the Certificate of Election of a Deputy.=Let the bureau of Fomento report.

*Sixth.* From the Commissioner at Zacatecas, dated 2d May, remitting a draft for six thousand two hundred and twenty-four dollars, four and a half rials, proceeds of the Mining fund (Mineria) for the last month, and a receipt for twenty-five dollars for the student Ayala.=That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* From the Commissioner at Zimapan, remitting another for one hundred and thirty-six dollars, two rials, five grains, proceeds of the month of April.=Resolved as above, and also that the draft be collected.

*Eighth.* From the Commissioner at Guadalajara, of date 5th inst., advising having placed in the house of Messrs. Manning & Mackintosh one hundred and sixty dollars, for account of partial payments made by Señor Garay.=Resolved, that the amount be collected, and that the bureau report regarding payments still pending.

*Ninth.* From Señor Demetrio Montes de Oca, communicating that he has spoken with Don Pedro Anda respecting the inspection of the mine of Clavellinas, and that he will report the result=To its Espediente.

*Tenth.* Three from Don José Zamora, dated the 9th inst.—the first transmitting the tally accounts No. 18 (Memorias) of the negotiation of Tasco.=Acknowledge receipt, and transcribe to the Comptroller's Office.=The second, informing that in the present week will be commenced the new work, and that for the tally-roll (raya) he will require three hundred dollars.=Understood.=In the third, he communicates having drawn draft No. 20 for two hundred and sixty dollars.=Let the same be paid.

[Three Rubrics.]

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*Session of* 13*th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 11th, report was made of two Official communications from the Ministry of Justice, dated 9th inst., informing of the approval by the Supreme authority of the Certificates of Election of President of the Tribunal of Zacualpan and a Deputy for that of Asientos.—Resolved, that they be transcribed to the respective tribunals.

There was read a communication from Don M. Mariano Cortazar, of date 5th inst., transmitting the tally accounts (memorias) Nos. 3 and 4 of the mine of Atargea, informing having extracted twenty-three loads of ore, and that he had not received the draft corresponding to the present month.—The Junta resolved, that there be procured a draft for three hundred dollars on Queretaro, drawn in favor of Senor Cortazar, in which resolution Sor. Flores reserved his vote, for the reason that as the Government had been consulted as to whether payments should be made by the branch of Quicksilver, and that in the meantime no payment should be made. It was also resolved, that Señor Cortazar be notified that he must specify in all his accounts the number of loads extracted every week, and that he report the assay made of the quality of the ore whenever there exists any reason to believe that it may have varied.

Lastly: notice was given of a report made by the bureau of Administration, having relation to the monthly payments made by Señor Garay to the Commissioner in Guadalajara, representing that the payments have been made in full up to the month of January of the present year, and that the sum of one hundred and sixty dollars, which Señor Blume has received, should be collected, without other discount than the current exchange, and the same be credited to Señor Garay.—The Junta resolved in conformity.

[Two Rubrics.]

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*Session of* 14*th May*, 1846.

Present, Señores Segura, Flores and Bassoco; and after the approval of the minutes of the previous session, report was made of the following communications:

*First.* From the Ministry of Justice, of date 9th, acknowledging receipt of the Official letter in which was communicated to it the discovery of the mine of Quicksilver in Californias.

*Second.* From His Excellency the Governor of San Luis, dated 9th inst., transmitting certificates showing that there have

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been extracted from the mines of Trinidad and San Andres seventy-eight quintals of Quicksilver.—Let the bureau of Fomento report.

*Third.* Another from the same, and of the same date, transmitting three certificates showing the extraction of fifty-three quintals of Quicksilver from the mine of San Antonio in Guadalcazar, and it was sent to said Bureau for report.

*Fourth.* From the Tribunal of Sombrerete, dated 5th inst., inserting the resolution of the E. Assembly of Zacatecas that said tribunal do not obey the Supreme order communicated by the Junta relative to the Election of Substitutes (Suplentes.)— Resolved, that it be transcribed to the Ministry, informing it that only in this Department has there been any such resistance.

*Fifth.* From the tribunal of Jesus Maria, with notice of its installation, and in reply to the Circular No. 3.—Let the bureau of Fomento report.

*Sixth.* From the Commissioner for Collections in San Luis Potosi, remitting a draft for three hundred and fifty-one dollars, fifteen cents, for proceeds of the Mining Fund (Mineria) in the month of April.—That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* Three communications dated 28th April, from the Commissioner in Chihuahua, remitting a draft for seven hundred and seventy dollars, three rials, for proceeds of that city and of Jesus Maria in the month of March—an account which had been asked by the Comptroller's Office.—That the draft be accepted, the proper entries made, receipt acknowledged, and the amount transmitted to the proper Office.

*Eighth.* From Don Manuel Garcia del Valle, with his resignation of the post of First Copying Clerk in this Office.—Resolved, that it be transmitted to the Supreme Government, recommending that it be accepted.

*Ninth.* From Don Ignacio Rosso, soliciting the appointment to the vacant place of Second Copying Clerk of the same.— Reserved.

Notice was given of a report from the Comptroller's Office, respecting the communication of the Commissioner in Guanajuato, dated 4th inst., relative to the remitting of documents in the Espediente of Señor Robles. The Junta resolved in conformity with everything proposed, with exception of the last indication made in regard to applying to the Treasurer and Administrator of Guanajuato for duplicate of the certificate of payment made by Señor Robles of sixty dollars for the fourth quarter of the loan for the payment of the debt of the United States.

[Three Rubrics.]

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*Session of 18th May*, 1846.

Present, Señores Segura, Flores and Bassoco; and after the approval of the minutes of the session of the 16th, report was made of the following communications:

*First.* From His Excellency the Governor of Jalisco, of date 28th ulto., returning with information the tariff of fees of the Tribunal of Bolaños.=And the Junta, being in conformity with said information, resolved that the same be transmitted with approval to the Supreme Government.

*Second.* From the Governor of San Luis Potosi, accompanying a petition of Don Andres Barroeta, that there be paid to him the premium corresponding to fifteen quintals, one arroba, fifteen pounds, six ounces of quicksilver extracted from the new Almaden and pedernal (flint) in the Durazno.=Let the Bureau of Fomento report.

*Third.* From the Company for restoring (or establishing) El Oro, complaining of the scarcity of powder.=Let it be transcribed to the Supreme Government with recommendation.

*Fourth.* From the Commissioner at Zacatecas, of date 12th inst., acknowledging receipt of the documents remitted to him for the collection of the debt of Señor Llaguno.=To its Espediente.

*Fifth.* From the Commissioner at Guadalupe y Calvo, informing having forwarded the accounts asked of him.=Let the bureau of administration report.

*Sixth.* From the Second Civil Judge, requesting information regarding the amount to the credit of the Minor Elguea in the dotal fund.=Let the Comptroller's Office report.

*Seventh.* From Don Miguel Quinones, of date 16th inst., requesting that order be given to Señor Zamora to supply him with the amount required to pay the Tribunal of Tasco the costs of the certified copy of the proceedings which the party will show.=Let such order be given.

*Eighth.* From Don José Zamora, five communications dated 16th, transmitting in the first the tally accounts (memorias) number 19.=Acknowledge receipt, and send to Comptroller's Office. In the second, he notifies that he requires three hundred dollars for the tally (raya.)=Understood. In the third, he informs, that of the one thousand two hundred and seventy quicksilver flasks existing in the negotiation, there are only a very few having flaws, and that they ought to be worth three dollars each per piece, as they are valued at two reckoned as iron.=Let this difference be represented to Señor Castillero, and to the Government when his propositions are approved=and transmitting in the two last advice of having drawn the

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Bill number 21 for the sum of two hundred dollars, and number 22 for one hundred and forty.=Let them be paid.

A petition of Don Tomas Ramon del Moral was read relative to fixing the amount of compensation which he is to receive for the month during which he acted as substitute in the direction of the College, and the opinion which the Bureau of Fomento gave upon the petition pending before the Government being read.=The Junta resolved, that this be transcribed to the Ministry, with a copy of said opinion and of the articles of the law relating to substitutions of the members of the Junta and its officers.

Notice was given of the five following reports of the Bureau of Encouragement (Fomento):

*First.* Relative to the ordering to be paid three hundred and ninety-four dollars, four rials, two and a half grains, to Don Andres Barroeta, for premium on seventy-eight quintals, three arrobas, fifteen pounds, one and a half ounces of quicksilver which he shows he has extracted from the mines of La Trinidad and San Andres in Guadalcazar.=The Junta resolved, that the settlement of this matter be suspended till the resolution of the Government.

*Second.* Relating to the payment of two hundred and sixty-five dollars for premium on fifty-three quintals of quicksilver extracted by Don Demetrio Toscano from the mine of San Antonio in Guadalcazar; and the order in this case was the same as in the former.

*Third.* Relative to asking from the Supreme Government the ratification of the election of a deputy (suplente) made by the Tribunal of Temascaltepec.=The Junta resolved in conformity.

*Fourth.* Recommending the approval of the election of President, and his substitute, made by the Tribunal of Bolaños, and that the Supreme Government give notice to the members who served the last year to continue in the Office the present year. =The Junta resolved in conformity=and expressing its opinion in the last, that the Tribunal of Jesus Maria en Chihuahua be called upon to forward the certificate of its installation, that it may elect another substitute if it only has elected two; that the fund be designated to it from which according to law it is to defray its expenses, and that there be remitted to it the documents and information which it has solicited.=The Junta resolved in conformity, with the exception of the transmission of a copy of the mining ordinances.

[Three Rubrics.]

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*Session of* 22*d May*, 1846.

Present, Señores Segura and Bassoco; and after the approval of the minutes of the session of the 18th, report was made of the following communications:

*First.* Five from the Ministry of Justice, dated 16th, 19th and 20th inst., informing in the first having accepted the resignation of Don Manuel G. del Valle, as First Copying Clerk of this Office.=The Junta ordered it to be transcribed to the party interested. In the second, transmitting for report an Official letter from His Excellency the Governor of Chihuahua, soliciting that there be sent to him the mining ordinances, and that the allowance made to the Secretary and Officers of the Tribunal of Jesus Maria be approved.=Resolved, that the bureau of Encouragement report.

In the third, informing that the certificate of the installation of the Tribunal of Hidalgo del Parral has been approved. In the fourth, that of the substitute of the Tribunal of Temascaltepec; and in the last, informing of having transcribed to the Ministry of Finance the petition of the Company for restoring the mining district of El Oro relative to the scarcity of powder.

*Second.* From the Tribunal of Ojo Caliente, transmitting the certificate of election of a substitute.=Let the Bureau of Encouragement report.

*Third.* From the Tribunal of Guanajuato, in reply to the report of the Comptroller's Office relative to the account of Clavellinas.=That said Office report.

*Fourth.* From the President of the Tribunal of Mazapil, dated 5th inst., resigning his office.=Let the same be communicated to the Government with recommendation.

*Fifth.* From the Mercantile Junta of Encouragement of this Capital, transmitting five copies of the balance of last year.=Answer, with many thanks.

*Sixth.* From His Excellency Don Demetrio Montesdeoca, informing that Don Pedro Anda, having the necessary qualifications, and being of unimpeachable integrity, offers to inspect the mine of Clavellinas for a gratuity of two hundred dollars.=That he proceed to make the inspection, and that Señor Montesdeoca draw upon the Junta for said sum.

*Seventh.* From the Inspection General of Offices in the Department of Michoacan, relative to its having demanded the accounts of the suspended Collector of the Custom-House, and that it will cause them to be adjusted without delay.=To its Espediente.

*Eighth.* From the Commissioner at Guadalajara, remitting a draft for eight hundred and thirty-seven dollars, one rial, three and a half grains, proceeds of the mining dues for the month of

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April.—Let the draft be accepted, the proper entries be made, the receipt acknowledged, and order be given to collect the one hundred and sixty dollars of Señor Garay.

*Ninth.* Another of the same, date 15th, informing having received one hundred and sixty dollars from Señor Garay for account of the month from February to May.

*Tenth.* From the Commissioner at Durango, remitting a draft for the sum of one thousand and thirty-eight dollars, seven and a half grains, proceeds of the mining dues of the month of April, and the detailed account of the previous year.—Let the draft be accepted, the proper entries made, the documents transmitted to the Comptroller's Office, and receipt acknowledged.

*Eleventh.* From the Commissioner at Culiacan, dated 1st May, remitting a draft for six hundred and five dollars, two rials, proceeds of Cosala in March.—That the draft be accepted, the proper entries made, and receipt acknowledged.

*Twelfth.* Another from the same, and of the same date, remitting a draft for one hundred and three dollars, seven rials and six-eighths, proceeds from the 20th to the 30th ultimo of the new Assay Office of Culiacan, and the accounts lately called for.—Let the draft be accepted and collected, the proper entries made, and receipt acknowledged.

*Thirteenth.* From Don Manuel Mariano Cortazar, dated 17th inst. at Queretaro, acknowledging receipt of the three hundred dollars which were remitted to him lately, and requesting that he be furnished with the sum necessary to take possession of the mine of Providencia.—Resolved, that on account of the late order for the suspension of payments, the Junta will hardly be able to remit the three hundred dollars monthly, according to promise, to maintain the mine, and that the bureau report concerning the accounts transmitted.

*Lastly.* There were read two petitions for the post of Second Copying Clerk in the Office, presented by Don Joaquin Urrutia and Don José Garcia de Arana.—Resolved, that they be kept in reserve.

[Two Rubrics.]

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*Session of 25th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 22d, report was made of the following communications:

*First.* From the Commissioner for Collections at Guanajuato, dated 22d inst., with a statement of the silver assayed in the first four months of the present year, the weight of the bars,

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and the general account of dues.—Resolved, that they be transmitted to the Comptroller's Office.

*Second.* From the Commissioner at Zacatecas, dated 13th, remitting the general account for Zacatecas and Sombrerete, and the same resolution was passed.

*Third.* From the same, dated 18th, remitting a draft for one hundred and seven dollars, two rials and five-eighths, for dues collected in Sombrerete in April.—Let the draft be accepted, the proper entries be made, and receipt acknowledged.

*Fourth.* From the Collector of the Maritime Custom-House at San Blas, informing having given a draft in favor of the Junta for the sum of seventy-five dollars, eighty-six cents, for the half of the duties of average.—Resolved, that the Treasurer apply for the same at the General Treasury.

*Fifth.* Four communications from Don José Zamora, dated 23d, informing in the first that he requires twelve stampers (almadanetas).—Let them be purchased.—In the second, transmitting the tally account (memorias) No. 20.—Acknowledge receipt, and transmit to the Comptroller's Office.—And the other two, advising having drawn bill No. 23 for one hundred dollars, and No. 24 for two hundred dollars.—Let them be paid.

*Sixth.* An Official letter from His Excellency the Minister of Justice, dated 20th, approving the propositions of Don Andres Castillero, which the Junta had transmitted to the Supreme Government; and informing that he had sent to the Ministry of Government the petition for two square leagues of land (Sitio de ganado mayor) as a colonist, upon his mining property.—The Junta resolved, that the proper judicial agreement be drawn up immediately, and that application be made for the draft for the five thousand dollars on Mazatlan or Guadalajara; to which Señor Castillero agreed: and finally, that by the mail of Wednesday the proper orders be sent to Tasco, that the administrator deliver to the order of Señor Don Tomas Razon del Moral all the quicksilver flasks in good condition in the storehouses there, at the rate of two dollars each.

[Two Rubrics.]

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*Session of 26th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after approving the minutes of the session of the 25th, there was read a report of the Comptroller's Office, informing that the instrument, the date of which Señor Macedo wishes to know, was executed before the Notary Don Fernando Tamayo, on the 20th April,

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1807.=The Junta ordered that the same be communicated to the Court.

There were read other three reports from the Bureau of Administration; the first relative to the note of 28th ult. of Don Enrique Mackintosh, opining that it is necessary to wait for the account of the weights of bars which has been asked of him.

*Second.* That there be duplicated to Señor Olascuaga, surety for the payment to be made by Señor Lebrija, a resolution relative to the fifty dollars of the month of September next, which he has not remitted; and finally, that Señor Don Diego Moreno be reminded to remit the proceeds of the pearls of Señor Garay which were given to him to sell, or that he return them by some person in whom he can confide.=The Junta resolved in conformity.

[Three Rubrics.]

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*Session of 27th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the session of the 26th, there was read an Official letter of His Excellency the Governor of Michoacan, informing that he had ordered the suspended Administrator of the Revenue to present his pending accounts, and pay over the amount due by him, and that he will communicate the result. =To its Espediente.

There were read three reports of the Bureau of Encouragement—the first recommending that the Supreme Government's approval of the election of a substitute of the Tribunal of Ojo Caliente be requested in conformity with the last circular on the subject; and the Junta resolved accordingly.

*Second.* Relating to the recommendation of the Government in regard to a communication from His Excellency the Governor of Chihuahua, requesting copies of the ordinances, and that the thirty dollars per month to the Secretary of the Tribunal of Jesus Maria be approved. The bureau is of opinion that the Government be informed, that as the Junta has no copies of the ordinances, they may be purchased at Zacatecas, where they are sold at twenty rials; and respecting the salary, it be stated that the decree which established said salary has been abrogated, and that fees stated in the tariff only are allowed.= The Junta resolved accordingly.

*Third.* Relative to the last communication from Don Manuel Mariano Cortazar, with the Inventory of the Mine of Atargea. The bureau is of opinion that it be transmitted to the Comptroller's Office for its report; and the Junta so resolved.

[Two Rubrics.]

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*Session of the 28th May*, 1846.

Present, Señores Segura and Rosas; and after approval of the minutes of the 27th, report was made of the four following communications:

*First.* From the Ministry of Justice, dated yesterday, transcribing the communication of the Ministry of Finance of same date, in which it represents that intimation having been received of the blockade of the ports of Vera Cruz and Tampico, it is not to be expected that the remittances of drafts from these Custom-Houses will be continued; for which reason the Government directs that the Junta reserve its existing funds for its own expenses and those of the College, suspending for the present all payments for the extraction of Quicksilver.= The Junta resolved that the Bureau of Encouragement report.

*Second.* From the commissioner at San Luis Potosi, with the account and note of the weight of the bars of silver assayed during the past month.=To the Comptroller's Office.

*Third.* From Don Eugenio Bermejillo, informing that he had obtained from His Excellency the Governor of Michoacan, the order that the suspended administrator of the revenue there present his accounts within two weeks, after which time a clerk will be employed to make them out at his expense.= To its Espediente.

*Fourth.* From the Messrs. Manning and Mackintosh, dated 27th, representing that the signature of Señor Garcia Granados is only that of an attorney of Señor Stahlknecht.=To its Espediente.

[One Rubric.]

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*Session of 29th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 28th, report was made of a communication from His Excellency Don Francisco Fagoaga, in reply to the last official letter addressed to him, relative to the encumbrance of eight thousand dollars on the estate of San Sebastian.=The Junta resolved, that it shall be reserved, adding it to the Espediente until Señor Rosas shall have acquired some information in the matter.

There was read a report of the bureau of Encouragement upon the communication of the Government, relative to the suspension of payments from the Quicksilver fund. The bureau reports: *First.* That said communication be transcribed to His Excellency the Governor of San Luis Potosi, with refer-

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ence to the payment of the premiums for quicksilver which it had resolved should be paid; two thousand dollars to Don Timoteo Toscano, two hundred and sixty-five to Don Demetrio Toscano, and four hundred and seventy-one dollars, four rials, eight and a half grains to Don Andres Barroeta, for premiums on National Quicksilver which they have extracted, at the rate of five dollars per quintal; and that if the first sum has not been paid to Don Timoteo Toscano, it was for the reason that he did not make application at the proper time, and the others for the reason that the demand of payment of them was received after the order was communicated for the suspension of payments.

*Second.* That the same order be communicated to Don Manuel Mariano Cortazar, representing to him that if he can do so, he should continue to extract quicksilver to some extent, so as to keep up the working of the mine.

*Third.* That it be transcribed also to His Excellency Don Demetrio Montesdeoca, with the object that he will please order a suspension of the sale of the mine of Clavellinas, but that if by virtue of former resolutions, he should have been at any expense, it shall be refunded to him immediately.

In consequence of the Supreme Government having accepted the resignation which Don Manuel Garcia del Valle made of the post of first copying clerk, in the Secretary's Office, the Junta has resolved, that it be represented to the proper ministry that, according to law, the second copying clerk, Don Manuel Couto, should be promoted to the office; that if the Government so accords, he may be put in possession.

It was also resolved, in conformity with the report of the Comptroller's Office, that twenty-five dollars be paid to the Notary Calapiz for proceedings in the instrument of agreement which had been made with Don Andres Castillero to assist his quicksilver enterprise in the mine of Santa Clara, in Upper California, embraced in the official order for the suspension of all payments for this branch.

[Two Rubrics.]

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*Session of 30th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after the minutes of the 29th, report was made of a communication from the Ministry of Finance, dated 28th inst., in which information is asked relative to whether the two thousand one hundred and twenty-five dollars, ten and a half grains, belonging to the fund of the new prison at Guadalajara are disposable; and



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the Junta resolved that it be answered immediately, with a short review of the origin of this fund belonging to the quicksilver fund, and that it be indicated, that this business being pending in the Council, the Junta informally deposited said sum in a respectable commercial house, with the condition that it should be refunded in Guadalajara, in the same class of coin in which it was paid, one month after notice being given of its repayment, offering to amplify this information should the Ministry consider it necessary.

The Secretary's Office represented that Señor Don Tomas Ramon del Moral laid before the retiring Junta the petition which he presented, relative to the allowance of salary or gratuity for the time in which he acted as substitute in the direction of the College last year.

Señor Don Joaquin Velasquez, in the name of His Excellency the Director of the College, represented, that requiring in London the sum of one thousand dollars, and understanding that the Junta had some money in the house of Messrs. Baring Brothers, he requested to order that credit should be given to said house for the sum of seventy-two pounds seven shillings and six pence, sterling, for account of some articles ordered from those gentlemen for the College, and that it draw a bill of exchange in favor of said Señor Velasquez for the sum of one hundred and eleven pounds nine shillings and seven pence sterling, in full of one thousand dollars, at the current exchange of forty-four and one-eighth pence.—The Junta resolved that the order be given, and that said bill of exchange be drawn to account of the two bills of exchange for five hundred pounds each drawn against said house by Messrs. Manning and Mackintosh on the 30th November of the past year.

[One Rubric.]

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*Session of* 21*st September*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the session of the 18th, report was made of the following communications:

*First.* From the Ministry of Relations, dated 19th, transcribing the Official letter of the Ministry of Finance, in which, according to the indications of the Junta, it informs that the Supreme Government has ordered that the assets on hand belonging to the quicksilver fund continue to be used as had been ordered in the advancement of the College, and asking as a loan from the dotal fund the sum of twenty-five thousand dollars.

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Señor Bassoco and Flores were of opinion that it ought to be represented to the Government, that while the Junta acknowledges the urgent necessity that all should contribute to the national defense as far as possible, nevertheless, considering the origin and actual condition of the dotal fund, the Junta does not consider itself invested with sufficient authority from its constituents to employ it in any other object than those which are designated by law; and after an attentive discussion it was so resolved, notwithstanding the remarks made by Señor Segura, who reserved his vote, and gave in a protest which he desired should appear in the minutes, and which he said he should transmit to the Ministry, together with the reply which it was resolved should be sent.

The Junta resolved, in regard to the first, that said protest be inserted in the minutes, and with respect to the second, that Señor Segura, as a member of the Junta, might transmit the communications which he thought proper, but that the Junta could not authorize he might make protests against the resolutions of the majority. Consequently, the protest treated of is the following:—The undersigned, though with regret, is under the necessity of protesting that his opinion differs from that of his worthy colleagues. His opinion is, that in the present penury and afflicting condition of the public treasury, the Supreme Government ought to be furnished with the loan of twenty-five thousand dollars, solicited for the dotal fund, the property of the miners; that there being not this amount on hand, there be remitted to the Treasury what there is, and the balance to complete said loan from the first moneys the Junta can dispose of; that he considers it unnecessary, before obeying the order of the Supreme Government, to make to it those very proper observations which operate in favor of the same fund, and of the interests of the Government itself, because, in the wisdom of the Government, the reasons have been weighed, and the balance inclined towards the public weal, when, by the most unjust war, is endangered the most precious of our possessions —the National Independence—have caused it to dictate an order which should be promptly obeyed, with the reservation of manifesting, after having obeyed it, what may be proper. This is his vote, which he desires may be registered in the minutes of the day, and also that the distribution, which is being made, be suspended, so that the money may be dedicated to the loan solicited; and that should such distribution be carried out, it will be understood that he also reserves his vote in said resolution.

Report was then made of an Official communication from the Tribunal of Guanajuato, in which is inserted the petition of

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Don Ignacio Porter, as one of the persons interested in the sale of the mine of Toro, praying that he be paid three hundred and fifty dollars balance due to him.—The Junta resolved that the Bureau of Encouragement report.

Another from Don Fernando Pohls, dated 18th, with a draft for four thousand nine hundred and fifty dollars, seven rials, one grain, for proceeds of mining dues in the month of August. —Let the drafts be accepted, the proper entries made, and the receipt acknowledged.

From the Commissioner of Pachuca, dated 19th, remitting draft for one thousand five hundred and fifty-nine dollars, one rial, for nett proceeds of mining dues in the past month.—Same resolution as the foregoing.

Finally, another of date 16th inst. from the Commissioner at San Luis, transmitting the account and statement of the weight of bars for the last quarter.—Resolved, to pass it to the Comptroller's Office.

It was resolved, that there should be recorded in the minutes, as the opinion of Señores Flores and Bassoco, the Official letter which was directed to the Supreme Government, which is as follows:

This Junta received yesterday, Sunday the 20th, the Official communication which your Excellency is pleased to address to it of date 19th inst., transcribing that of His Excellency the Minister of Finance of the same date, in which the Junta is informed that His Excellency the General-in-Chief, in exercise of the Supreme Executive power, had thought proper to decree, in view of the Official note of date the 12th, that there be given to the fund established for the Encouragement of Quicksilver Mines the destination to which it is directed in favor of public instruction, but that the great penury of the Treasury being so notorious and pressing, the Supreme Government requires, that from the dotal fund a loan be made to it of twenty-five thousand dollars, in the understanding that the payment of the same shall be decreed as soon as possible.

For nothing in the world would the Junta have it thought, for one moment, that it is indifferent to the urgent necessity that all those who appreciate the Mexican Nationality should hasten to assist in its defense in the manner in which each is able, but it also believes that it would betray the confidence which the miners and creditors of the dotal fund placed in its agents, and that it would even make itself unworthy of the respect of the Supreme Government itself, should it not make the remarks which it proceeds to make.

The dotal fund consists of the payment of one rial per mark of eleven pennyweights, and by legal authority this contribution

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was levied by the mining body on itself for its establishment; and as property belonging exclusively to said body, according to the provisions of the decree, it has administered it through its representatives with entire separation from the public revenues of the State. Under these guaranties, it has solicited and obtained from various persons loans of large sums of money on irregular deposit, with mortgage of the same fund, and these owing at these dates, on capitals or principal sums, upwards of eighteen years of interest. This is what constitutes the debt of the body, and it thus results that the attorney of the creditors is one of the members of the Junta.

This very slight explanation, in our own opinion, is sufficient to prove that the dotal fund is private property, and in this position to be dealt with and taxed like others, without there appearing any reason why it should be subject to any other exactions; and the Government, consequent to these principles, even although it has been comprehended in some contributions, has not exacted any sum from it since 1842, notwithstanding that during the same period it has taken various sums, making in all a large amount, from the Quicksilver fund, which from its nature is national and public property.

Notwithstanding the incolumity of the dotal fund during this time, and the endeavors by which the Junta has procured the improvement of its administration, having established amendments of much importance, the exactions from its funds on former occasions were of such transcendency and pernicious influence that it has not been able to recover from the discouragement and prostration to which it was reduced by them.

The mortgage is valid, the administration upright and very economical, but, nevertheless, the value of the credits fell excessively, and this evil has been entirely owing to the cause we have pointed out.

This consideration is what moves the Junta to propose to your Excellency, that the persons and corporations who have capital invested in the funds, may be taxed with other contributions or exactions rather than on their investments here; it being plain, that besides a withdrawal of a portion of these, they would have to experience in future the fatal result of a still greater decline in the value of their credits than that already suffered. The attorneys of the mines and creditors have certainly no other authority over the dotal fund in virtue of the laws for the establishment of this body, than to administer the same, and apply it to the objects which those laws designate; and none of the parties will consider that their agents have fulfilled their duty, did they not present these observations to an enlightened administration like the present.

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The Junta therefore reiterates, that only the desire of thoroughly fulfilling its duty compels it to express its sentiments in the manner set forth; in other respects, as private individuals, they have contributed, and are disposed to do in the present critical circumstances, whatever the condition of their affairs will allow them. The Junta protests to your Excellency the security of its distinguished consideration and respect.

[Three Rubrics.]

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*Session of 5th November*, 1846.

Present Señores Segura, Flores and Bassoco; and after having read and approved the minutes of the preceding day, report was made of an Official communication from the Ministry of Relations, dated 3d, desiring that in the term of eight days there be transmitted to it an exact account of the proceedings of the Junta since 1845, with the suggestions which may be thought proper.=The Junta resolved, that having in view the annotations of the report made by Señor Castero, said account be transmitted to the Ministry, adding the posterior occurrences up to the present month.

[Three Rubrics.]

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*Session of 9th November*, 1846.

Present Señores Segura, Flores, and Bassoco; and after approval of the minutes of the 5th, report was made of the five following communications from the administrator of Tasco; with the first he transmits the tally accounts, (Memorias,) No. 43, and a ticket for the reduction of ores on shares, (or toll).= Let the receipt be acknowledged, and transmit to the comptrollers office. In the second, informs that he will remit the bars to Cuernavaca on Tuesday of the present week.=Understood. In the third, that the last five hundred loads of ore of La Trinidad had been reduced; that the working had been increased by two working parties, and that he required five hundred dollars for the present week.=Understood.=In the two last he informs that he has drawn two bills, Nos. 72 and 73, one for four hundred dollars and the other for one hundred dollars.

Beginning was made of the reading of the report, (Memoria,) to be presented to the Government, and the two chapters relating to the Office and to Mining Tribunals were approved;

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and it was resolved that an official letter be addressed to Señor Otero, inquiring of him the condition of his work upon Mining legislation.

There was read an Official communication from the Collector of the Maritime Custom-House of Vera Cruz, dated 2d, in which he informs that he has not been able to procure from the drawer of the bill No. 884, which was protested, another in its place, and that consequently he had given notice of this affair on the 10th September, and would give further notice of the result.=Notify the Comptroller's Office, and to its Espediente.

Another from Don José Joaquin de Rosas, dated the 5th, informing that he has notified his Clerk, Don Antonio Gutierrez, of Cuernavaca, to receive the bars to be sent to him from Tasco, and that he will give notice of the cost of the six arrobas of powder which he sent to the same negotiation.

Another from Don Cayetano Buitron, dated the 5th, remitting one thousand three hundred and sixty-two dollars, nine grains, the proceeds of Mining dues for the last month.=Acknowledge receipt, and transmit to the Comptroller's Office, that the proper entries may be made.

Another from Don José Zamora, dated the 2d, ordering that by the muleteer, José Apolonio, there be remitted to him the ten quintals of Quicksilver, and the same quantity of Sulphate, which he has asked.=Order that they be delivered.

From Don Manuel Mariano Cortazar, dated at Rio Blanco the 25th ulto., transmitting the last tally account (memoria) of the mine of Atargea.=To the Comptroller's Office, and notifying that Señor Rule is prepared to execute the bond for the value of the effects delivered to Cortazar at said mine, and claiming the charge made for the watchman of the mine in nine weeks, requesting that there may be remitted by draft the entire sum of ninety-eight dollars, six rials, amount of the memoria.=The Junta resolved, that Señor Rule be informed, that if he is to be in Mexico shortly, he can execute the bond there, but if he has to delay his coming he may execute it before the authorities of that mining district, or appoint an attorney. That an Official communication be addressed to Señor Segura to deliver the former Official letter, and obtain the answer of Señor Rule. That Señor Cortazar be notified to appoint his attorney to sign the instrument; that the Junta cannot, according to the agreement, allow the watchman to be paid for nine weeks, but only for three, and that it being difficult to procure a draft, there be paid to him the amount of the memorias, less the thirty-six dollars of such charge, to the commissioner whom he may send when he comes to sign.

[Three Rubrics.]

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*Session of* 13*th November*, 1846.

Present Señores Segura, Flores and Bassoco; and after having approved the minutes of the 11th, it was resolved, that there should be paid at once the balance of the three thirds of the contributions from houses for the part belonging to the College.

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*Session of* 16*th November*, 1846.

Present Señor Segura, Flores and Bassoco; and after having approved the minutes of the 13th, report was made of the following communications:

*First.* From the Commissioner at Guanajuato, remitting a draft of five thousand six hundred and thirty-nine dollars, seven rials, proceeds of Mining dues for the month of October.

*Second.* From the Commissioner of Zacatecas, remitting another draft of four thousand one hundred and forty-five dollars, two rials and nine grains for the dues of said month.

*Third.* From the Commissioner of Durango, with another for one thousand three hundred and forty-nine dollars, forty-four cents, corresponding to the same period.

*Fourth.* From the Commissioner of Zimapan, dated 1st November, with another draft for three hundred and seventy-three dollars, corresponding to the previous month.—That said drafts be accepted, the proper entries made, and the receipt of the same be acknowledged.

*Fifth.* From the Commissioner at Zacatecas, remitting another draft for one hundred and twenty-three dollars, six rials, three grains, proceeds of October in Sombrerete.

And last: another transmitting the balance sheet and detailed account of the sums collected for Mining dues in that city in the second third of the present year.—Acknowledge receipt, and transmit to the Comptroller's Office.

The reading of the report, which was continued on the previous days, having been finished, the same was approved; and it was resolved to direct also to the Supreme Government an Official communication requesting that the Ministry of Finance transmit the respective orders to the effect, that so soon as the blockade is raised, the Custom-Houses of Vera Cruz and Tampico remit directly the corresponding drafts in favor of the Junta, giving authority to the Junta to negotiate a loan for the purpose of defraying the expenses of the College and the most urgent expenses of the branch of quicksilver; resolving, finally, that the President convey said communication to the Minister, that it may be promptly dispatched.

[Two Rubrics.]

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*Session of 5th December*, 1846.

Present Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 2d, report was made of the two following communications:

From the Ministry of Relations, dated yesterday: in the first, acknowledging receipt of the information sent to it for insertion in the report, and authorizing the Junta to procure, on the most favorable terms possible, the sum required to defray the expenses of the College, and the salaries assigned to the Quicksilver fund, with mortgage of this fund, in the understanding that the proper orders have been issued; that immediately so soon as the blockade of Vera Cruz is raised, there shall be remitted directly to the Junta drafts for the three per cent. of importation duties to the amount of eighty thousand dollars per annum; adding, also, that in the case said loan is not promptly obtained, the Junta furnish the amounts required from the Dotal fund, to be repaid by the Quicksilver fund, out of which it shall be reimbursed so soon as any money is received from the Custom-Houses or the proposed loan is contracted.

Señores Flores and Bassoco represented that the destination of the Dotal fund being predetermined, the Junta has no authority to apply it to other purposes, nor as a loan.

Señor Segura said, that the Government having power to dictate this measure, he was of opinion that the order should be obeyed, that said loan should be diligently sought for without delay, taking care that the proper orders can be obtained for the remittance from the port of Tampico of the drafts for fifty thousand dollars per annum, so soon as it is liberated from the Anglo-American invasion. Consequently, the majority of the Junta resolved, that an answer be given to the Government in the terms indicated by Señores Flores and Bassoco; and Señor Segura requested that his vote be recorded in the minutes, adding, that he would explain the reasons on which it was founded, and that he would transmit the same to the Government.

The second Official communication confines itself to exciting the zeal of the Junta to use every effort for the purpose of obtaining for itself the loan of the two millions of dollars for the purchase of Spanish quicksilver, for which it was empowered by the decree of the 17th February, 1843; and it was resolved that this matter be considered on Monday next.

[Three Rubrics.]

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OFFICE OF THE SECRETARY OF THE ADMINISTRATION OF THE MINING FUND.

I, Manuel Couto, Secretary of the Administration of the Mining Fund of this capital, and in charge of the Archives of said Office by virtue of the decree of 28th June, 1852, do certify: That the Blotters of the minutes of the Junta for the encouragement and Administration of Mining exist and form part of the Archives of this Office. That among the said Blotters there are to be found those of the minutes of said Junta for the months of April, May, September, November, and December, of the year 1846. That the Blotters of each of said months are sewed together separately from the others, and on the first leaf of each there is written what follows: The Blotters of April.—"Office of the Secretary of the Mining Junta, year 1846. Blotters of the minutes of the month of April."

Those of May—"Office of the Secretary of the Mining Junta, year 1846.—Blotters of the minutes of the month of May."

Those of September—"Office of the Secretary of the Mining Junta, year 1846.—Blotters of the minutes of the month of September."

Those of November—"Office of the Secretary of the Mining Junta, year 1846.—Blotters of the minutes of the month of November."

And those of December—"Office of the Secretary of the Mining Junta, year 1846.—Blotters of the minutes of the Junta for the Encouragement and Administration of Mining from the 2d to the 30th of December of the present year."

I certify that the preceding and annexed pages numbered by me with red ink from 1 to 4 inclusive, are a true and exact traced copy on transparent paper of the Blotter of the minutes of said Junta of the session of the 23d April, 1846, and that the preceding and annexed pages numbered by me with red ink from five to thirty-nine inclusive, are true copies, or traced copies on transparent paper, of the Blotter of the minutes of said Junta of the month of May, 1846, including the page that bears the superscription of the same. That the preceding and annexed pages numbered by me with red ink from forty to forty-six inclusive, are true and exact copies, or traced copies on transparent paper of the Blotter of the minutes of said Junta of the session of the 21st of September, 1846. That the preceding and annexed pages numbered by me with red ink from forty-seven to fifty-three inclusive, are true and exact copies, or traced copies on transparent paper, of the Blotter of the minutes of said Junta of the session of the 5th, 9th, 13th, and 16th November, 1846. That the preceding and annexed pages

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numbered by me with red ink from fifty-four to fifty-six inclusive, are true and exact copies, or traced copies on transparent paper, of the Blotter of the minutes of said Junta of the session of the 5th December, 1846.

In testimony whereof I give this present in the City of Mexico, this 30th day of March, 1859.

MANUEL COUTO, Secretary.

—

I, Vicente Segura, Administrator of the Mining Fund, do certify that Don Manuel Couto, whose name appears on the foregoing certificate, is Secretary of this Administration, and in charge of the Archives of said Office of Mineria, to which Archives belong the Blotters of the minutes of the Junta for the Encouragement and Administration of Mining. That said Couto is in the exercise of the Office of Secretary at the date of his certificate, that his signature is true, and deserving of full faith and credit.

In testimony whereof I give this present, under my signature, and the seal of this office, in the City of Mexico, on the 30th day of March, 1859. VICENTE SEGURA.

[SEAL.]

—

The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, do certify that Don Vicente Segura, and Don Manuel Couto, are, the former Administrator, and the latter Secretary of the same Administration of the Mining Fund, which is under the inspection of this Ministry. I likewise attest that the Archives of said Office are in the charge of the Secretary, and finally, that the signatures appearing to the two foregoing certificates are those used by those gentlemen, as well as that the seal affixed to their certificates is the true seal of the office in which they are employed.

As testimony of what is here stated, I give this present, signed by me and sealed with the seal of the Ministry, in the City of Mexico, on the thirty-first day of March, 1859.

[SEAL.] P. ALMAZAN.

—

José Miguel Arroyo, Honorary Intendent of the Army, and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify that Don Pascual Al-

[SEAL.] mazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce of said Republic, and the foregoing signature is his, which he uses on documents authenticated by him.

[Dues $4.] J. MIGUEL ARROYO.

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TRANSLATION OF EXHIBIT BASSOCO NO. 2, O. H.

MINISTRY OF HACIENDA, }
SECTION I. }

The Most Excellent Señor President *ad interim*, has been pleased to address me the decree which follows:

Mariano Paredes y Arrillaga, General of Division and President *ad interim* of the Mexican Republic, to the inhabitants thereof. Know ye:

That considering that the salvation of the Republic, in the critical circumstances in which foreign invasion has placed it, is the first duty of the Government:

That all interests are compromised, and that it would be vain to attempt to save them if first of all the Nation be not saved:

That to defend and secure the national territory, as well on the frontier which has been invaded as at other points which are threatened, it is indispensably necessary to provide for the expenses which are being incurred for the troops that the Government has put in motion, and for the others which are being raised and organized, and must march with promptness to the points to which the Government proposes to send them:

Knowing that by the ruinous system of contracts the necessary resources are not obtained and the revenues of the nation become pledged for a long time, as is the case at present, by all its products being incumbered, and without the Government being able to rely upon the smallest sum which it might dispose:

Having hitherto endeavored by all the means within its reach, even by that of contracts, to meet the most urgent expenses, having endeavored to reduce them as much as possible during the time the present administration has been established:

Considering that even that fatal system has become impracticable, and is more ruinous each time, more onerous conditions being exacted as the securities to be offered become less:

Desiring also to establish the national credit, which is completely destroyed, upon secure and uniform bases, liquidating the floating debt against the public treasury, providing sufficient funds for its payment, and making such payment compatible with the imperative necessities of the nation:

This grave subject having been attentively discussed, at a meeting of Ministers, I have resolved to decree as follows:

I. The payment of all debts borne by the revenues of the General Government, and any other payment which is now being made in pursuance of decrees or orders heretofore made, are provisionally suspended.

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II. All the offices of the general revenues of the Republic, upon the receipt of this decree shall immediately transmit to the Ministry of Hacienda a detailed statement of all payments which they may have been ordered to make and which they may suspend in compliance with the preceding article, showing the amounts which have been paid and the balance remaining due.

III. In view of the data which may be furnished by said offices, in virtue of the foregoing article, the Government will determine as to payment in the mode and order which may be most convenient, reconciling the rights of the parties interested with the progress of the public administration.

Wherefore, I order that it be printed, published, circulated, and that it be duly complied with.

Palace of the National Government in Mexico, 2d May, 1846.

MARIANO PAREDES Y ARRILLAGA.

To Don FRANCISCO ITURBE.

And I communicate it to you for your information and corresponding effects.

MEXICO, 2d May, 1846.

YTURBE.

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## TRANSLATION OF EXHIBIT BASSOCO, NO. 3, O. H.

EXTRACTS *from the report which Don Jose Maria Lafragua, Minister of Interior and Exterior Relations, read to Congress on the* 14*th*, 15*th and* 16*th of December*, 1846, *and of the report by Vicente Segura, President of the Junta de Fomento de Mineria, addressed to said Minister on the* 17*th November*, 1846.

[Page 65.]

* * "In the State of San Luis Potosi, the metals reduced, and the Quicksilver extracted, are in proportion; and in Upper California a mine (*criadero*) has been discovered, whose *ley* surpasses that of the best mine known, that of Almaden, which does not produce more than thirteen per cent., while ours, by the assays made in the College of Mining, of this capital, exceeds thirty-five and a half per cent." * *

[Page 66.]

* * "I recommend the sovereign Congress to direct its attention to this subject, making the production of our Quicksilver a truly national enterprise, the importance of which cannot be overrated; either by creating a fund, or dictating other suitable measures." * *

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[Page 118.]

## Number 52.

"SECRETARY'S OFFICE OF THE JUNTA DE FOMENTO Y ADMINISTRATIVA OF MINING.

"Most Excellent Sir:—In compliance with your Excellency's superior order of the 3d inst., directing this Junta to give an account of the matters confided to its care since the epoch of its report in 1845, their present condition, with the object in view, in order to form the *Memoria* which should be presented to the general Congress of the nation, immediately on its installation, the Junta has the honor to submit to your Excellency a simple historical relation of the most important matters with which it has been occupied for the last two years, and their present situation, with the reflections and recommendations which it has deemed suitable for the better and more faithful performance of its duties." * *

[Page 136.]

* * * "The Junta, on the 21st of April last, sent to the professional Board (*Junta Facultativa*) of the College some specimens of cinnabar which Don Tomas Ramon del Moral presented, in the name of Don Andres Castillero, a resident of Upper California, with a representation in which he asked for assistance to work a mine which he had discovered in the Mission of Santa Clara, known by the old Indians, who got out of it vermilion to paint their bodies. The assay, made by the Professor of Chemistry, of the ores in common, produced the extraordinary *ley* of thirty-five and a half per cent., which was communicated to the Government on the 5th of May, representing that Señor Castillero had been asked what assistance he required of the Junta.

"That Señor presented his petition in due form, and it was very attentively examined by the Junta; he made his propositions, to which this (Junta) agreed, to wit: that there should then be delivered to him five thousand dollars in money, eight iron retorts, of those which the Junta ordered to be made for their former examinations, and all the Quicksilver flasks it has in the *negociacion* of Tasco. Señor Castillero obligated himself, on his part, to repay said advance in Quicksilver at the rate of one hundred dollars a quintal, within six months from his leaving the port of Mazatlan. This agreement was approved by the Supreme Government on the 20th of the same month; but on account of the declaration (of war) made by the United States of the North, when he was going to receive the draft on Mazatlan, the Minisiry issued the order of Sep-

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tember 19th of this year, directing the suspension of all payments of the branch of Quicksilver, except the support of the College, and the expenses of the office." * *

[Page 146.]

* * * "This is not the occasion to present together all the labors of the Junta to correspond to the high confidence with which the Government has honored it. A part of them are expressed in this note, and the others may be found in the memorials, reports, and multitude of communications which are in the office of this Ministry. For the present it will merely assure what is shown in these documents, to wit: that the spirit of enterprise has been so stimulated that the Quicksilver mines in the principal Departments of the Republic are being worked, both by companies and also by individuals; that in the Department of San Luis Potosi, the quicksilver extracted is in proportion to the silver reduced, so that no foreign quicksilver is required; that in Upper California, in the Presidio of Santa Rosa, there has been discovered by Señor Don Andres Castillero a great mine, the *leys* of which are truly surprising, since the result of the assays made in the College of Mining gives, as the common fruits, over thirty-five and a half per cent., while that of the best mine which is known, that of Almaden, does not exceed thirteen per cent.; and finally, that, from all the data collected, it may be hoped, resting on a good foundation, that our mines of quicksilver are more than sufficient to supply all that is required for the reduction of our silver.

"This grand national enterprise the Junta has not been able fully to carry out, because it has been deprived of one of its funds of one per cent. of the circulation of money, without substituting any other, and because of the remainder it could only dispose of one-third part, since the Government, in the deficiency of the treasury, has used the rest. This evil was increased to the lamentable extremity of leaving it (the Junta) without any, by the order of the 10th of May last, which directed the suspension of all the payments which were made by the public treasury. The sad results of such determinations the Junta will not stop to detail; they are manifest from what has already been here shown." * * * * *

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## TRANSLATION OF EXHIBIT BASSOCO No. 4, O. H.

OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

MOST EXCELLENT SIR—In compliance with your Excellency's superior order of the 3d inst., directing that this Junta give you an account of the affairs confided to its care since the time of its report in the year 1845, and of their present condition, with the object of having them in view when making up the Report, (Memoria) which you are to present to the General Congress of the Nation, as soon as it shall be installed, the Junta has the honor to submit to your Excellency a simple historical relation of the management, and present condition, of the most important affairs with which it has been occupied for the last two years, with the reflections and recommendations which it has deemed suitable for the better and more faithful performance of its duties; but, although it entertains the most sincere desire to duly perform so important a charge, the short period of eight days, which your Excellency fixes, would render it almost impossible to do so, as fully and properly as it should be done, but for the work done by its Secretary's office in the early part of this year, to be presented to the government, and of which it now avails itself, in view of the vital importance, not to say necessity, of enabling the next Congress, through the respectable medium of your Excellency, to inform itself at once of the result of the laws made for the encouragement and regulation of the important branch of Mining, and to dictate measures calculated to make effective the protection required, at this day more than ever, by the mining industry, perhaps the most national, of Mexico, and undoubtedly the copious and inexhaustible source of its public wealth. The Junta, thankful for the invitation of your Excellency, although it is deprived of some data and documents which it could procure if it were allowed more time, hastens to comply with your wishes, reserving to itself the privilege of amplyfying, on a more suitable occasion, some points which for the present are only indicated, confident that the shortness of the time will excuse the faults which abound in its report, as well as the omission of other points which it may have overlooked, or to which it may not have attached the importance to which they were entitled, or it may not have fully developed, to say nothing of the faults of method, style, and compilement, which are inevitable in all compositions prepared without the necessary meditation and correction.

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THE OFFICE.

The Junta for the Encouragement and Administration of Mining, installed on the 24th December, 1842, to comply with the provisions of Article tenth of the decree by which it was organized, transmitted to the proper Ministry, in November, 1843, a project of by-laws which it had formed for the more economical and faithful administration of the funds confided to it; but the government, knowing that it could not perform its important business without the necessary help for its performance, decreed on the 30th December, the organization (planta) of its employees, and returned the project in July '44, that it might be formed anew, conformably with the subsequent arrangements.

In January of the same year, the Junta solicited the approval of the 29th article of the proposed regulation, providing that separate accounts should be kept for each fund, charging the dotal fund with the amounts which were being paid for salaries in the former establishment, and the quicksilver fund with those which were being increased, and remitted to it the respective proposals for filling the situations, those of two "oficiales," two clerks for the secretary's office, an "archivero" (keeper of archives), an auditor, two "oficiales," and an auditor's clerk, having been accepted, and finally that of treasurer, all of whom went into office on the 10th February, 4th and 7th March; and on the 8th March the Junta established provisional rules for the office, designating to each of the employees his respective duties.

On the 19th May, 1845, the Supreme Government appointed Messrs. Benigno Bustamente, Licentiate D. José Maria Lacunza, and Don Luis Varela, to make a report to the government, upon the decrees creating the new organization of the College of Mining, authorizing the commission to shape the seminary and the office of the Junta. The report they sent the Supreme Government was passed to the Junta, and is waiting its examination.

The first clerk of the Secretary's office, Don Manuel Garcia del Valle, having died, the Supreme Government approved the promotion of the second, the place of the first remaining vacant.

On the 23d of September of the present year, the Junta granted leave of absence to its Secretary, Don José Maria Castera, to whom the Supreme Government was pleased to confide a commission, the first official having assumed the discharge of his duties, according to said decree of 30th December, 1842.



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DEPARTMENT OF ENCOURAGEMENT.

*Mining Tribunals of First Instance.*

Department of Mexico.

Although the Departmental Junta, on the 18th January, 1843, provided that there should be established 18 Mineral Tribunals in its districts, the Mining Junta represented that, instead of being beneficial, it would be prejudicial to create twelve of them in addition to those which existed formerly, in consequence of which, there were to remain only those of Zimapan, Pachuca, Tasco, Zacualpan, Sultepic and Temascaltepec, places in which existed Territorial Deputations, and two new ones, one at the Cardonal, and the other at Tepantillan. It made this representation on the 26th of the same January, but without observing that at the Cardonal there also existed a Deputation.

The Most Excellent Assembly, on the 5th July, 1844, in view of the representation of the Junta, resolved that there should be Tribunals at Sultepec, Zacualpan, Tasco, Zimapan and Pachuca; that the government, consulting with the Junta for the direction of the branch, designate the district of each one, with a declaration of the minerals embraced in it; and that those of Ajuchitlan, Cardonal, Temascaltepec, Tepantitlan and the Oro, should be established as soon as there should be a sufficient number of miners to serve them with the conditions provided for by the ordinance, for which purpose the government would recommend to the prefectures, to furnish annually the necessary notices, giving information to the same Assembly when any of them should combine the proper elements.

The Junta had nothing to remark on the first part of this decree (acuerdo), because it had already expressed its acquiescence in the creation of the five tribunals referred to; but it could not refrain from observing, that the second was contrary to what is provided by the circular of the 6th September of the same year, respecting that their Excellencies, the Señores Governors, advise the Supreme Government as to the places where Mining Tribunals ought to be established, giving reasons for such advice, with the concurrence of the Assemblies, *with the understanding that as soon as they shall be established, they themselves designate the districts of their respective jurisdiction, specifying the names of the metals and mining districts they may embrace;* and the third rested on very sound reasons of justice and convenience; there remaining pending, however, the difficulty, that of the five tribunals unconditiona ly installed, there were already established those of Ajuchitlan, Cardonal, Temascaltepec and Mineral del Oro, as well as those which had no

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restriction whatever, except that of Pachuca, in which district the Territorial Deputation is preserved in accordance with the Supreme Circular of the 14th January, 1843, which provided that the said corporations should continue until the tribunals should be established. The Junta so stated to the Departmental Government, on the 24th July 1844, so that it might be pleased to declare whether they all continued or some were abolished.

The Most Excellent Assembly, on the 10th October, thought proper to amend their former decree (acuerdo) complying with the said supreme resolution of the 6th May, with the understanding that the mining districts not embraced within the limits the tribunals shall designate, shall in all their affairs belong to the nearest district, according to the spirit of the ordinance, and providing that if in fact those of Ajuchitlan, Cardonal, Temascaltepec, Tepantitlan and the Oro are established, they should not continue in existence. In conformity with what the Junta advised on the 18th October, the Supreme Government, on the 30th of the same, was pleased to approve what was lately determined by the Most Excellent Assembly.

On the 29th October of the year 1845, the Supreme Government was informed that the Tribunals of Sultepec, Tasco, Zimapan, Pachuca and Temascaltepec had been legally established.

In consequence of a petition made by the miners of Tepantitlan, Coronilla, Timotla and others, that in the first of said towns there be established a territorial deputation, the Junta on the 31st December, 1842, approved the petition, stating its ideas as to how and under what terms the 28th article of the organic law should be complied with; and, having considered its reasons, the Government issued its decree of the 11th February, 1843. Under date of 20th June, 1845, the Departmental Government was informed that, according to Article 3d of the Assembly of 9th July, 1844, it be pleased to notify the respective prefecture to remit the notice of the number of miners that there may be in Tepantitlan, with the requisites of the ordinance, so as to see if a mining tribunal could be established at that place, granting, as it had already been decreed by the same Assembly, and approved by the Government, that it be installed so soon as this indispensable condition could be complied with.

ZACATECAS.—Its Departmental Government advised the establishment of six Mining Tribunals of first instance at the Capital, Fresnillo, Sombrerete, Mazapil, Pinos and Nieves, and that in the remaining places Commissioners be appointed, as in the time of the Colonial Government, for the sole purpose of receiving denouncements and giving possession. It further proposed

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that, to cover the extraordinary expenses on the amount of the tariff duties, there be applied to them the grain that for each mark of silver of the standard of 11 dineros is appropriated and paid, according to the decree of one of the Legislatures of the Departmental, to the fund of public instruction.

The Junta, on the 17th August, 1843, gave its opinion in favor of the approval of the Tribunals designated, and of the nomination of delegates, but not of the means indicated to assist the distribution, because they were not in accordance with the 4th Article of the law of the 11th February of the same year, and that its adoption would confer privileges on the miners of said department, to the detriment of uniformity, and even of justice, for the decree threw the burden of costs only on those interested in suits, and not on all the miners of the respective demarcation; that, this being equitable, it was not equitable that the miners of Zacatecas should bear greater imposts than those of the rest of the Republic; and that as mining should be exempt from all duties, and have conceded to it all franchises imaginable, instead of the grain spoken of being appropriated to any object whatever, it should be totally extinguished.

San Luis Potosi.—With the concurrence of the Departmental Junta and Supreme Government, the Superior of the same department advised, on the 11th September, 1843, that Mining Tribunals be established at the Capital, Catorce, Charcas, Guadalacazar and Ojo Caliente; that at the places where territorial deputations existed these should proceed immediately to elect the individuals who were to constitute the said Tribunals, according to the provisions of the law of the 2d December and the second title of the ordinances of the branch; and that in the places where, from any cause, the Deputations may not have been established, the respective political authorities will dictate the measures conducive to the installation of the Tribunals, which has subsequently been done in all of them.

Jalisco.—Its Government, with the concurrence of the Departmental Junta, designated the places of Bolaños, Hostotipaquillo, Etzatlan, Marcota and Sayula, in which the Tribunals were established.

Sinaloa.—The Departmental Junta and its Government designated the village of this name, Mazatlan, Culiacan, Cosalà and Fuerte, soliciting power for the Tribunals to appoint Commissioners in the towns of their districts, who, subordinate to the former, should be acquainted with the simple and most urgent matters of examinations, denouncements and possessions, which, from their remoteness, the Tribunals could not

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attend to, to the prejudice of the respective parties interested. The Mining Junta, on the 4th April, 1843, petitioned accordingly, and solicited that, on making these designations, the reasons for making the reports be stated. The Supreme Government so decreed on the 6th day of July, 1843, the first four of the said Tribunals having been subsequently established.

CHIHUAHUA.—In accordance with the communications of the Ministry of Justice of the 14th November, '45, to the Junta, the establishment of the Tribunals in that city, that of Hidalgo, Guadalupe y Calvo and Jesus Maria was approved, but no notice has yet been received of the installation of those of Guadalupe y Calvo and Chihuahua.

COAHUILA.—By communication from the Ministry of Justice of the 14th November ulto, it appears that the Departmental Government decreed, and the Supreme Government approved, the establishment of Tribunals at El Saltillo, Valle de Santa Rosa and Monclava. The second was installed on the first January of the present year, it not being known whether the other two have been organized or not.

MICHOACAN.—On the 11th September the Tribunal of Halpuyahua was installed, by order of the Departmental Junta of the 24th April of the same year, and the old Deputation of Auganguco advanced and secured its establishment as a Tribunal of first instance, in virtue of the decree of the Most Exc't Assembly of the 26th February, 1844.

GUANAJUATO.—Although the Junta is without official information of the installation of the Tribunal in that Capital, it knows that it does not exist, for its correspondence in other matters and the approval which the Government has given to the election of its functionaries show that.

AGUAS CALIENTES.—The Superior Government of that Department, with the concurrence of the Junta, on the 27th September, 1843, designated the partido of *Asientos* as the only proper place for the establishment of a Mining Tribunal, which was approved by the Supreme Government on the 12th March, 1844, it being at once installed.

OAJACA.—The establishment of only one Tribunal in that city was advised. It was installed on the 24th February, 1843, and was approved on the 11th March of the same year.

DURANGO.—Since the 4th August of said year it was proposed to establish in its Capital a Mining Tribunal, and it was approved on the 14th November, 1845, its installation being yet unknown.

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SONORA.—The Territorial Deputation, under date of 3d December, 1844, advised the Junta of the manner and form in which it ought to hold the election of the three *Consultados* at the beginning of the year 1845, according to the decree of the 2d December, 1842; but as the Government of that Department, with the concurrence of the Most Exc't Assembly, was to propose to the Supreme Government the places where Mining Tribunals should be established, and that it had not done so until the 13th August of last year, owing to the failure of said corporation to meet, the Junta, on the 19th April, ordered that no change be made until the designation provided for by law should be made.

There have been forty-one Mining Tribunals approved in this order: Six in each of the Departments of Mexico and Zacatecas; five in those of Jalisco, San Luis Obispo and Sinaloa; four in that of Chihuahua; three in that of Coahuila; two in that of Michoacan, and one in those of Aguas Calientes, Durango, Guanajuato, Oajaca and Sonora, all of which are installed, with the exception of that of the Capital of Chihuaha, and Guadalupe y Calvo, the Capital of Coahuila y Monclova, that of Hermosillo, in Sonora, and that of Fuerte, in Sinaloa.

They have all chosen new Presidents and members, according to the law which created them; the returns of said elections have been received and forwarded to the Supreme Government by the Junta; they have received the proper approval, excepting a very few which, for being contrary to law, were ordered to be held anew, or that the defects should be cured.

When the Junta was occupied with the project presented by the visiting commission for the better regulation of these Tribunals, the decree which re-established the Federal System in the Republic came to arrest its labors, for, as it ignores the existence of special Tribunals, the resolution of their permanence or abolition depends upon Congress. The General Government, by decree of September last, ordered, in its 6th Article, that for the present they should subsist with regard to the District and Territories. But it is to be observed that there are no Mining Tribunals established in the District and Territories, nor even in New Mexico and California, the only territories which were formerly Territorial Deputations. Probably the Legislatures will determine this point provisionally with respect to their States, while the General Congress is occupied with the initiative, which the Supreme Government gives assurance in the same article it is going to address to it. But, in the meantime, the State of Mexico, on the 1st October last, has declared in force the decree of 2d December, '42,

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which organized the Administration of Justice in the affairs of mining; but with the variation that it shall be peculiar to that Government to determine the points which the decree reserved for the determination of the Supreme Executive, in consequence, ordering the suspension of all works initiated by the Mining Tribunals, in obedience to the order which required them to form their tariff of fees, until the State Legislature shall determine what it thinks proper as to the suppression, continuation, or reform of said Tribunals.

MINING LEGISLATION.

On the 24th July, 1843, the Government was applied to, manifesting to it that the divers orders dictated for the branch of mining considerably changed the organization of the body in the directive, administrative, and even in the legal part that now governs it, and which ought to be preserved; that the ancient ordinances, with their modifications since 1783, contain a multitude of articles unsuitable to this new form, others repealed by subsequent resolutions, some, the modifications of which required the experience of years, and several fallen into disuse; and that, as complication and confusion would be the natural consequence of maintaining the mining code in its present state, causing the most serious injuries to the organic system lately given to the same branch, it was of opinion that the code in question should be again remodeled. On the 9th August the Junta was authorized to have the work done, it being at liberty to defray the necessary expenses out of the fund destined to the encouragement of quicksilver mines, with the concurrence of its *Consultores*, and the proper Supreme approval being first had; and on the 22d of the same the Junta appointed Señor Licentiate D. Mariano Otero to perform so interesting a work.

On the same day of the month of November there was passed to the professional Board—Junta Facultativa—of the College in a report, an exposition of D. José Maria Garcia del Valle, upon the urgent necessity there was, in his opinion, for the formation of special ordinances for the working of the fossil carbon minerals; but said report is still pending.

POWDER.

The permanent Minor Junta of the Zacatecas Mexican company, by reason of the regulation of the 18th October, 1842, published on the 26th, requiring powder to be distributed to the miners at fourteen dollars and a half real per arroba, (25 lbs.) represented, on the 18th December of the same year, the serious injuries that would be occasioned to the branch by the

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said regulations, stating that, previous thereto, the enterprise at Zacatecas sold it at eight and nine dollars, and requesting a reduction of the price to the first of these two last sums.

On the 3d January, 1843, the agent of the negotiations of veta grande, and on the 28th of the same month the English company at the Monte Mining District, made the same solicitation.

The Assembly of said Department, on the 23d of the same month, remitted to the Junta, with a dispatch, a copy of the initiative it made of a new company on the 22d, which, among other things, contains the following proposition:

"It grants to it the right of manufacturing powder, and its commerce shall be free from all duties in the Mining Districts."

Under date of 10th February, the Junta addressed to the Supreme Government the exposition which is circulating in print, showing the necessity of having various exemptions granted to mining, including the reduction of the price of the said article.

The Supreme Government, on the 17th, called for a report from the Director of the Factory in the said Department, as to the costs of each arroba (25 lbs.), and the price at which it was distributed to the miners, and although said Director did report favorably on the 1st March, he did so without answering the questions which had been put to him.

The Mining Tribunal of Guanajuato, on the 23d February, 1844, occupied itself with the urgency there was for revoking a measure which was so injurious to the Republic, and especially to the said Department, in which smuggled powder was sold at from three and a half to four dollars.

The Assembly of Durango, on the 19th March, of the same year, reproduced literally, in relation to this subject, the initiative of that of Zacatecas, that of Jalisco also concurring on the 6th of the same month.

Upon recurring to the dispatch of this interesting business, the Junta on the 11th of said February, and 24th March, reasserted what had been previously stated by it, and the former establishment.

The Chamber of Deputies finally subscribed to the resolution of that of Senators, which fixed the value of two and a half reals per pound on powder for consumption in the mines, and it was published in a decree the 31st April, 1844, providing moreover, for the regulation of the Factories existing in Mexico and Zacatecas, and for the establishment of those of Guanajuato, Chihuaha, New Leon and Sinaloa, with the understanding that, in case of scarcity of funds, the Government should lease all of them, upon fixed bases, to individuals or corporations.

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In consequence of a statement by the Junta that, on account of the want of powder which was felt in the last of said Departments, there should be established in it the corresponding Factory, the Ministry of Hacienda stated to that of Justice, on the 18th March, 1845, as it informed the Junta on the 19th of the same, that said Department was not provided with one, because it was found difficult to find any persons willing to transport the said article to so great a distance, and because the Zacatecas Factory, from which it was to be sent, had no more than was necessary for the adjacent Department; that with regard to the erection of a Factory, though the convocation was made at the proper time, no proposal of any kind was made, and that the Junta being so much interested in the remedy for such an evil, and in its default the respective Mining Tribunal could make the necessary propositions, without having to notify the Direction General of monopoly revenues (Rentas Escantadas), to convoke bidders, and to take care in the meantime to supply said Department with that article.

The Junta on the 1st April decreed, that the Companies and the Judges of First Instance then existing, be asked to state if their respective mining districts were provided with the necessary powder and power, required for the working of the mines, and on the following day the appropriate circular was dispatched to the thirty Mining Tribunals, the installation of which was known.

Of the Tribunals, those of Pachuca, Tasco, Zimapan, Oajaco, Bolaños, Catorce, Charcas, Zacatecas, Fresnillo, Pinos, Sombrerete, and the Deputation of Santa Rosa, answered in the affirmative; that of Tlalpujahua could not answer for want of data, not knowing to whom to apply for them, seeing that its demarcation was not approved; that of Guanajuato did answer, and giving assurance that, if the Capital and its vicinity were supplied, it was due to the precautions taken by the smugglers to carry the powder to the mines, and sell it at four dollars and four reals, when that of the Monopoly (Estanco) of inferior quality was sold at eight dollars; that of Auganguco declared that such being the circumstance which caused the preference for the smuggled powder, it was indispensable to contract for that of a similar or finer grain, so that it could be used in small cartridges to prevent its being wasted in filling the drills, for otherwise the priming would explode, the charge would be lost, and the time all spent, especially when drills were opened in rocks from which water springs; that of Mascota said: that the deficiency has sometimes caused the suspension of the work, that some miners went so far as Guadalajara, and not finding any, manufactured some, but insufficient in quantity for one

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negotiation; that of Hostotipaquillo declared that, although its centre and immediate vicinity was supplied, the scarcity was great in the mines of Ixtlan, Ahuacatlan, Jala, San Pedro de las Lagunillas, Compostela, Santiago, Ixcuintla and Acaponeta; that of Mazapil showed that it relied upon nine hundred pounds, or its equivalent, for three months' consumption; that of Morelos, that in the principal administration only fourteen boxes existed, those of Tamasula, Rosales and Lower California being unsupplied; and those of San Luis Potosi and Culiacan, that at both places there was absolutely none, of so indispensable an article.

Of the thirteen companies from which reports were requested, those of Mineral del Monte, Plateros, and Zacatecano-Mejicano, answered affirmatively; but that of Rayas said, that sometimes powder was scarce in its district; that of Veta Grande, that although until the 18th April, it was supplied, the burning of the Factory of Zacatecas on the 10th of the same, made it necessary that this article should be free in that Department during the rehabilitation of said office, or until the Government could rely upon having a sufficiency for consumption; that the Restorer of the Mineral del Oro, asserts that it could rely only on nine quintals, bought in this Capital, and seven boxes remitted by the revenue of the Administration of Ixtlahuaca; that of Guadalupe y Calvo, that the Monopoly (estanco) had no powder at all, and that generally there was a great scarcity felt; and that of Zorillo, that although sometimes it had been supplied, at others it had to take powder to the mining district of Guanasovi, subjecting itself to the burden and dangers attendant upon transportation, in order not to be compelled to suspend the working of its mines.

The Junta, on receiving said communications, dictated all measures which appeared to it proper, and which were within its province, so that there should be no deficiency of said article in the mining places, particularly since the destruction of the Factory of Zacatecas; and it had the pleasure of seeing all its decrees, as far as possible, complied with, by the respective authorities.

The renting of the Factory in Chihuaha could not be effected, because the Señor Montel, to whom it had been rented, perished in the burning of that of Zacatecas; because there was no probability that his family would continue in the enterprise; and because the miners of the Department would not venture, nor were they able to take charge of the Factory, which neither was the Mexican negotiation of Guadalupe y Calvo, nor the South American of the Zorillo which, on the 17th June, was of opinion that in said Department and in that of Durango,

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powder should be made, for the Monopoly (estanco) having none, and private persons not being allowed to make it, was the same as to prohibit the working of the mines; but the Direction, on the 18th July, asserted that by virtue of the measures taken, there need now be no apprehension of a deficiency of that article, and that with respect to the establishment of the Factory, new bidders would be called for, with the concurrence of the Supreme Government.

The official note from that of Zacatecas of the 20th May, 1845, which was published in No. 131 of the "Observer," of 12th August, among others, furnishes this important data: "That it is injurious to the revenue to supply these Departments from that Capital. In the Factory of Santa Fé, the cost of blasting-powder is two reals and three-eighths per pound, and as its legal price to the miners is that of two reals and a-half, the difference of the eighth does not compensate for expense of packing, the freight and salaries in its distribution. The difficulty of properly supplying this, and the rest of the Departments of the interior, is another of the embarrassments to be taken into consideration by the Supreme Government, that it may be pleased to decide upon the representation I have made, that the making of powder be continued in this Capital."

Although all the data that was expected from the Tribunals has not come to hand, that which has been received, in the opinion of the Junta, suffices to prove :—

First: That the mining districts were not always duly supplied with gunpowder, nor was it easy to have them so supplied while the Monopoly (estanco) existed, even if it were only for difficulties of timely transportation.

Second: That neither has it generally been of good quality, causing therefore expenses to the miners, as excessive as they were useless.

Third: That supplying the States with powder from Mexico at two reals and a half per pound, or the difference of the eighth in its cost at the Factory of Santa Fé, did not compensate for the expenses of its conveyance, the public treasury being burdened with excess over and above its value, and if to avoid it the price is increased, mining would have to bear a new burden.

Fourth: That experience has shown the almost impossibility of establishing the Factories designated in the decree of 30th April, 1844.

Fifth: That it has also shown that private persons can dispose of this article at a lower price than the Factories.

And finally: That the beneficent decree of the 3d September last, on declaring free the manufacture of gunpowder of all kinds, has given satisfactory evidence of the convictions of the

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Supreme Government in this important matter, and especially of the conviction that the burdens consequent to the Monopoly bore too heavily upon miners who did not supply themselves from the smugglers. The Junta has had the pleasing satisfaction of seeing at last its most fervent desires seconded, and the pleasure of giving, in the name of the mining body, the most expressive thanks to the Administration which now governs the Republic.

IRON.

Under date of 30th of September, 1843, the Junta passed for a report to the Professional Board [Junta facultativa] of the College, a petition in which Don Juan Gandara, and afterwards Don Antonio Hurtado, asked various privileges to explore and extract the iron in the mines of Tuxpan, of the Department of Michoacan, remarking to it that on making its report it should insert in it its judgment as to whether the "pertenencias" of the mines, in said mining district, should be extended, and if so, to designate the respective dimensions, but in such a manner that the measure might be adopted as a general rule.

The said Professional Board [Junta facultativa] on the 23d November of the same year, and this of "Encouragement" in March and November, 1843, were opposed to the greater part of these offers, considering them altogether too high, and deeming the articles of the ordenanza relative thereto, insufficient to satisfy the desires of the parties interested.

D. H. Blumme, on the 14th September, 1845, gave notice to the Junta that there had been formed an enterprise at the Sierra de Capula, in the vicinity of Sayula, which had for its object the extraction of iron, and whose works would very soon commence. On announcing the importance of the negotiation, and the necessity of consuming increased quantities of charcoal, he solicited that it be declared by general law that the woods and forests in the vicinity of the foundries be liable to be denounced by, and granted in fee to, the owners of the Iron Mines, the owners being first indemnified for their value by official appraisement, or by paying the aggregate amount of the rents to become due, if there were any, and under the express condition of cultivating the woods or forests.

In the opinion of the Junta the neglect heretofore of the planting of groves, and preservation of woods, furnishes sufficient motive for calling the attention of the Legislature to this interesting point in our rural laws.

This concession might serve as a trial of the good effects which the acquisition, by denouncement, of the woods in the vicinity of the Iron Mines, will produce. The Junta felt the

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force of the objection that a great part of the woods are "propios" of the municipalities whose inhabitants enjoy the use of the wood and charcoal without complying with the laws of the time of Charles the Third, which provided that no tree be cut down without planting two slips in its stead, but thinks it would be easy to remove the difficulty by leaving the same imposts to the proprietors of the hill or wood, as a kind of annuity, the proper judicial contract being first made in which it would be well finally to stipulate that the miners should not have the right to sell said articles for domestic use.

The party interested further desired that Iron Mines situate on private property might be worked by their owners, without the necessity of denouncement, provided they did so according to the ordenanza, and the tariffs be repealed which impose duties on that act, and on the act of possession, because, being excessive, they now impede the encouragement of the branch. These two ideas, which it seems should be reduced to one only, that of not exacting duties for denouncements nor for possessions of Iron Mines, for as the first could not be effected without the owner giving notice to the authorities that he was commencing to work the mine, instead of being useful, they would prevent all persons from exploring the land, denouncing it, and consequently working it without delay; and further, the freedom from duties of denouncements and possession which is claimed, being for the present impracticable to its full extent, although what is excessive might be remitted, because the Mining Tribunals not being endowed, it is necessary to allow their secretaries and officers some fees, as well as to the persons constituting Tribunals, who have no salaries, and who, for going to give possessions at places more or less distant, entitle themselves to some recompense.

Considering finally, that if the ordenanza prescribes the mode of working mining veins and "mantos," in form, its rules cannot apply to irregular veins (criaderos) of mineral with pockets and hollows, he proposed that there be added to said ordenanzas "that all mines to which the rules of the ordenanzas were inapplicable should be worked according to the general rules of the art."

As in our country these general rules are not designated, the decrees which might be dictated in the terms indicated would be useless, from its own vagueness, in the opinion of the Junta, which wishing to be certain, asked above all for a report from the Professional Board [Junta facultativa] of the College, which gave an opinion in conformity with those indicated.

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EXCISE.

Under date of 17th February, 1843, and in consequence of the exposition of the Junta of the 10th, the Government demanded of the Director of Revenues to report to it upon the proceeds of said branch in the mining districts, but specifying the part belonging exclusively to the consumption in the mines, so as to be able to calculate the real losses which the public revenue would sustain, in case of exempting the miners from said tax.

On the 14th July there was presented to the Junta for its consideration, an Espediente ordered by the Direction of Excise and direct taxes, in which, with the view of more fully complying with the decree of the 24th May of the same year, it proposed that a circular be issued detailing the articles which, according to the understanding of that office, were excepted; and on the 13th of said July such measure was opposed, as appears in an exposition which was printed in some newspapers, and afterwards in the first appendix to the last report of the Ministry of Justice and Public Instruction.

The Señor D. José Cirilo Gomez Anaya, representing the owner of the mine of Barranco in Bolaños, solicited in September the exemption from all duties of the silver that might be extracted from said mine, as well as of the goods which might be used in working it and extracting the ore. It was considered in support of this pretension, that after being abandoned for a century and a half, the mine was being worked by an English company since the year 1826: that there having been only a few fishermen in the mining district, its population increased to seven thousand inhabitants, notwithstanding the unhealthiness of the climate that reduced it to three thousand as soon as the maintainers of the mine deserted it, because they had expended uselessly over seven millions of dollars; that a year having passed since the enterprise in London sent its order to stop the works, the Director notwithstanding continued them on his own account, and although he had extracted a great deal of silver, he had lost up to that time, twenty thousand dollars. The Junta recommended the petition to the government, insisting on the necessity of declaring the absolute exemption from taxes of goods used for mining purposes. It also proposed that of the three per cent. to Bolaños, but that this donation should cease whenever the negotiation should make any profits, for which purpose the Junta would undertake to have it stopped whenever it were persuaded that the cause of the great loss had ceased.

The initiative which the Assembly of Zacatecas made on the

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22d January 1844, contains among others this proposition: "All goods of whatever denomination used for mining purposes, in the extraction and working of metals, are exempted from excise duties and all other imposts." On the 6th February, the said initiative was remitted, and recommended to the Supreme Government, which initiative the Assembly of Guanajuato reproduced on the 6th March, adding only, that the servants and operatives of the mines be exempted from military duty.

On the same day the Administrator of Zimapan enquired of the principal Administrator of Revenues in the Department, whether or not the charcoal and firewood which might be consumed at the "haciendas" of the foundries of that mining district should pay the excise duty, because they were not embraced in the exceptions made by decree of 23d August, 1827, nor in those made by that of 11th July, 1843, and that as they are produced in the mining district itself, they could not be introduced with a guide or pass. The Administration considering that if the decree of 23d August did not refer to the said articles, it was because at that time they were subject to impost in the State of Mexico; if it had not been so the decree would have included them in the articles exempted, as being essential for the working of the mines; he decided in favor of the exemption the same as the Director, provided the legislative body should declare it. The Junta stated to the Government, that so far from diminishing, the burdens upon mining were constantly increasing, with notable detriment to the public wealth.

Under date of 15th of said March, the Assembly of Durango seconded the initiative of Zacatecas. Owing to D. Agustine Meinecke, citizen of Columbia, and resident in Atotonilco el Chico, having established a new mode of extracting metals, by which not only those of good ley are saved, but also those which formerly could not be saved, and are called *de quemason*, as he showed by various certificates, he confined himself to asking, instead of an exclusive privilege that would monopolize the discovery, that the laws which exempt the products and goods necessary to work the mines and refine its metals, be complied with, and that the goods destined for such use at his "hacienda" should not be taxed, and that the sums deposited, and the duties unjustly collected from him, be returned to him. The Junta forwarded the said petition to the Government, with recommendation.

On doing so it bore in mind, that the royal order of the 29th January 1785, published on the 11th April of the same year, provided that no taxes should be collected upon *gretas*, lead, *cendrada*, and other alloys that proceed from metals, *saltierra*

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and *majistral*, with which quicksilver is purified, even if they should not be introduced for account of the miners; provided, that those who may purchase these goods do so for their own consumption, and not to trade in them; that that of the 12th November 1794, not only confirmed these exemptions, but extended them to all the mining districts of New Spain (N. E.); that that of the 6th December, 1796, rectifying the former, granted freedom from duties to goods and merchandise that might be consumed in the mining towns, provided the purchasers used them solely in the working of mines, and extracting their metals, and rejecting what the Direction of Revenues proposed, as to requiring oaths to be made that this was the object of bringing the goods there; and that said laws and divers others also exempted from payment of duties, charcoal, fire-wood, timber, stones, earthen-ware, shingles, iron, steel, hides, tallow, cordage, indian corn, and fruits, for a like object; although these regulations may not have been fully complied with, as shown by the circular of the 2d September, 1785, in which it was necessary to notify the Administrators of the Revenues, to state who the persons were, from whom they might have collected duties contrary to the provisions of those laws, so that the amount thereof might be returned to them immediately.

The Junta also had under consideration, that the decree of July 11th, published in December, 1843, declared that all the exemptions from taxation granted to mining, should remain in force, provided the goods were taken "*into the mines*," which words, from the statement of the former regulations, and by the practice followed in the greater part of the Republic, should have been understood to relate to the mining districts, for as the exemptions were granted without distinction to the working of mines, and to the extracting of metals, some of those regulations expressly stating so, have left room for several Administrators to wish to restrict this privilege to the mines only, without considering that the concession is nominally made to a few goods, useless for the mines, such as quicksilver, *el majistral*, and everything else that is used in smelting and extracting of metals. This is shown by the fact, that the owner of the Hacienda of San Pascual, in the Mining District of Chico, has been obliged to pay for the introduction of *greta*, and to deposit some amounts for duties on goods, under the pretext, sometimes, that they were not of those that are taken into the mines, and at others, that they were not directed to a miner; when the privilege not only embraces these but also the measurers and smelters (beneficiadores), whose numbers include the party in interest; for, if he has no mine, he main-

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tains many directly or indirectly, therefore being entitled to enjoy the advantages conferred, not on persons, but on the products of mining.

Although it is just that the Revenue should take the precautions legally marked out, to prevent that, in fraud of an exceptional provision, those same goods should be freed from duties in their general consumption, but such precaution never should paralyze the beneficent object which the laws proposed to themselves, when they freed from duties the complete extraction of silver, seeing that they return it to the Public Treasury in the most profitable manner at the assay offices, and other offices destined for that purpose.

It is apparent, therefore, that the very old endeavor of some Custom House officials to render nugatory the regulations, which in that respect favor the branch of mining, is incessantly renewed, causing new and serious injuries, notwithstanding the efforts made by sound reason to oppose it.

In conclusion, the initiatives designated by some of the Departmental Assemblies relative to this important subject, were completely carried out by the decree of the 10th October last, which ordained the total extinction of excise duties; but, as it is abolished by that of the 9th instant, the Junta is under the necessity to ask on behalf of the branch, with the encouragement of which it is charged, that at least the excise duty may be extinguished in all the mining districts of the Republic.

QUICKSILVER.

The first appendix of the last report of the Minister of Justice and Public Instruction, contains what the Junta briefly stated on the 24th February, 1844, with regard to the measures adopted by the Provisional Government in favor of the branch, the results which they had produced up to the said date, and those which, in its judgment, should be taken, so that the laudable purposes for which the former were adopted might not become illusory.

"The 19th Century," newspaper, numbers 1361 and 1362, of the 21st and 22d August, 1845, inserted a communication, taken from the *Diario de la Marina of Havana*, of the 3d June, previous, in which are indicated the franchises which, in the opinion of the author of the article, should be engrafted on the tariff of the island of Cuba, so as to obtain the passage through its depot of a portion of the quicksilver destined for Mexico, which are now carried by the British steamers, whereby, he was persuaded, considerable advantages would be obtained for the shipping and commerce of that nation, which, by virtue of its influence and various other circumstances,



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might, in course of time, the better promote its own interest, and those of the Republic, by means of proper treaties.

In the opinion of the author, sending the quicksilver to said Island, until it is required for the consumption of our country, and keeping Spanish capital in that District, with the guaranties of its Government, might induce its inhabitants to take part in the business, using their own names to sustain and facilitate it, the risks and disbursements being therefore divided, because those who might be unwilling to run new risks would sell their quicksilver at Havana; the latter, no doubt, would enable the Mexicans to purchase it in Spain with the guaranties of some European bankers.

The project, then, proposes to destroy the monopoly of quicksilver, opening for that purpose a market for its purchase from first hands, and, at the worst, with a slight increase in its value, to be divided between the individuals or corporations that might be engaged in the enterprise.

But, considering that the Government might require some advances upon the duties, perhaps equivalent to those exacted in the last contract, he considers it prudent that the Republic, at an early day, should take part in the business, so that an arrangement might be made between the Bank of Isabella the Second, or other national establishment, and the Government at Madrid, similar to that made by the Mon Ministry with the Bank of San Fernando.

The article takes for granted that the capital could be raised by such bank itself, by some European houses, by means of subscriptions, and by the Mexicans through this Junta contributing; and that there should be given to the shareholders the right to leave to the bank itself, the administration and sale of quicksilver, and consigning these to it under the proper guaranties.

The author of the article also believes, that directly from Mexico an offer might be made to the Spanish Government of a loan of a considerable sum for a certain number of years, upon the condition that it would bind itself to renounce other contracts furnishing the article at a fixed price.

Such are, substantially, the fundamental bases of one of the projects formed to get Spain to sell her quicksilver upon such terms as would obtain immense advantage from the reciprocal commerce which hitherto has been carried on exclusively by England, and the Junta, on giving your Excellency this idea of the person at Havana, has for its only object to remind you of the very urgent necessity there is for the adoption of this or some other project to supply more constantly the great deficiency which Mexican quicksilver leaves in the supply of the mines, especially when the contract made with the house of

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Rothschild will terminate next year, and the Sovereign Congress could empower the Junta, as it did on the 17th February, 1843, by its decree of that day.

In No. 11 of the newspaper *Esperanza*, of Tampico de Tamaulipas, of 22nd March of last year, the editors copied a letter from San Luis Potosi, which announced the discovery of quicksilver deposits in Guadalacazar which promised to yield more than three quintals daily. The Junta, on the 20th of the same month, sent a dispatch to the respective Government, asking from it detailed information of the discovery, with the view of encouraging the working and extraction of the metal.

On the 2d April it answered that it had asked for the proper report, and as soon as it was obtained it would remit it to the Junta, confirming the announcement, notwithstanding that the distilling apparatuses were of clay, it said that in the last few days there had been several batches of even twenty flasks brought in, and that some monthly remittances had been contracted for at Guanajuato. As for the improvement of the apparatuses themselves, the enlargement of Guadalacazar should be obtained, as all the *ley* of the metal which is now lost should be saved, as the stability of the products should be procured, and as the establishment of economy should be had in all kinds of expenses, the Government of the Department desired that, as soon as possible, a scientific examination should be made, and the Junta, on the 16th April, although it was aware of the advantages that would result from sending a competent person, who would contribute to the better working of the mines of Guadalacazar, and especially to the more economical and abundant distillation of the quicksilver, answered that it could not do so then for want of funds.

The newspaper referred to, in its 16th number, of the 16th April, again referred to the progress being made at Guadalacazar, stating that in four days there were extracted four quintals, there having been arrobas which yielded seventeen ounces, notwithstanding the great evaporation which was the necessary result of the want of intelligence that was shown in extracting the metal; that there were four mines being worked and sixty denounced; and that when the spirit of enterprise was awakened it had produced many purchasers of ore.

Promising to remit thereafter more precise data, the Departmental Government, on the 10th May, sent a copy of the report given by the prefecture of San Luis on the 5th of the same month. From it, it appears, according to the investigations made in the mine of San Antonio, that besides the almost superficial veins, *mantos* and *rebozaderos*, which were being worked, a second *manto* had been found at the depth of thirty varas,

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the metals of which were of a superior ley, for they yielded from four to five pounds to the load; their proceeds might be considerably increased by perfecting the extracting apparatus, which now consist almost wholly of vessels with earthen tubes, and metal pipes; that the idea that explorable ground occupied an area of five square leagues more or less was confirmed, that it is situated to the north of Guadalupe, and is all surrounded with an abundance of timber; that according to what had been stated by the respective Mining Tribunal, there had been discovered in its jurisdiction, up to the 26th April, eighty-two mines; that no other works had been undertaken than those most necessary to burn in clay, which is the method most commonly adopted; that of all the mines only four were productive; that from the San Antonio mine, which is the most productive, fifty loads were being taken out daily, with a ley of 2, 3 and 4 pounds, not knowing exactly the proceeds of the others; that with the bad method of extracting they did not get the full benefit of their "ley": that in the vicinity there was some supply of wood and water, and that the other mines registered, were worked on an uncertainty, the greater part giving samples of the *panino*, in which cinnabar grows.

The Ministry of Justice, under date of 7th June, transcribed to the Junta a dispatch from the Government of San Luis, of 31st May, accompanying a copy of another from the Departmental Assembly, which contains the following proposition:

"Through the Government of the Department, and with the knowledge of the Supreme Government of the Republic, to urge the Junta for Encouragement of Mining, of Mexico, to locate a fund for the redemption of quicksilver in the mining district of Guadalcazar, for the present to be $20,000, and to construct with its own funds the most necessary and useful burning apparatuses, with which the quicksilver of that mining district may be extracted from the ore by paying the costs of the apparatuses, and a small advance to pay for putting them up."

The Junta answered the Supreme Government on the 18th of the same month, acknowledging the propriety of the examination, and of establishing the apparatuses, complaining at the same time of the want of funds, and showing the necessity there was for expediting the payments, which had been stopped, of the funds destined by law to the encouragement of the branch of quicksilvers.

The Director-General of Industry, on the 14th of said month, enclosed an exposition by the Industrial Junta of San Luis, dated the 7th of the same, in which—and on urging this

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of Encouragement to protect Guadalcazar efficaciously, with the view of preventing its failure, which would soon occur without such indispensable assistance, while, with it, it could secure to itself brilliant results—it solicited also a scientific examination, improved extracting apparatuses, and the erection of an office for the redemption of quicksilver (rescate); but the Junta regretted having to inform it of its want of funds, adding that, having asked the Supreme Government for funds on the 19th of the same, the Superior Government of San Luis designate the person or persons who, in that mining district, should be charged with the custody of the money to be used for the redemption, as well as for the purchase and sale of quicksilver, the commissioner giving sufficient security for its disposition to that end.

The same Government, on the 9th July, stated in reply, that the few competent persons that were in the said mining district were occupied with their own private business; therefore considering it more prudent to elect a person at San Luis who, personally or by means of an agent for whom he would be responsible, should discharge the commission.

The Junta, on the 20th August of last year, stated to the Government of San Luis, that, notwithstanding the scarcity of funds, it would at once place at San Luis four thousand dollars, establish the office for the redemption of liquid quicksilver in said mining district, without any other restriction than that said sum should be preserved without loss; for which purpose it might frame and remit the corresponding regulation, embracing in it measures calculated to protect the dealers in quicksilver and the miners who buy it, providing for all expenses of administration and the indemnity of the person to be charged with it, under the respective guaranties, and to designate the individual who should have the commission, be he of San Luis or Guadalcazar. Said Government reported on the 27th August, that it was already engaged in the establishment of the Agency.

Subsequently, the Tribunal of Guadalcazar, on the 30th October of last year, declared that the cinnabar mines registered amounted to one hundred and twenty-five, those denounced to thirty-three; and that that uncommonly prolific mine gave cause for the taking up of many more than those theretofore established; for, following the ancient openings, which seem to have been worked from time immemorial by the natives, although there is no evidence of it in the archives of the Tribunal, the excavations are spread over about six leagues around the silver mining district, being a league wide at its nearest point; from which it was inferred, that a great

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deposit would be found there, especially when it is seen that some of the mines worked in ancient times showed, by their heaps of earth, a depth of over one hundred varas, and that, notwithstanding the various examinations and denouncements made, the mines taken possession of and giving abundant profits, although of small "ley," amount to twenty-five, the rest being under investigation, which is very superficial for want of capitalists who will dedicate themselves to the business, one hundred and odd quintals of quicksilver being taken out monthly, notwithstanding the smallness and insufficiency of the apparatus.

The Junta answered, on the 12th November, that the Tribunal should report whether there were any companies formed, or about to form, that needed assistance, and, if so, to declare which were the mines in which they were to engage, the amount which the shares might come to, and the bases on which each negotiation was to rest, so that the Junta, with these data, might come to a determination; however, up to date, it has received no answer, either from that Government or from the Tribunal, nor has it called for any, hoping that, from day to day, the funds designated by law for this branch would be placed in circulation, which unfortunately has not yet been done.

The Most Excellent Señor Governor of San Luis, on the 19th July and 4th December of last year, 18th April, 9th and 13th May of the present year, remitted to the Junta the documents which show the extraction of national quicksilver in Guadalcazar, for the purpose of having the parties in interest paid the premium of five dollars per quintal, granted by the fifth article of the Supreme Decree of the 24th May, 1843, to those who should extract quicksilver from the mines of the Republic. From said documents, an exact account has been obtained of the quicksilver extracted in Guadalcazar, from February, 1844, to May of the present year, when the term fixed for paying said premium expired, the result of which is as follows:

| | | | | |
|---|---|---|---|---|
| From the mine of San Antonio, nine hundred and fifty quintals, one arroba, two pounds. | 950 | 1 | 2 | 00 |
| From that of San Agustin, seventy-six quintals, three arrobas, two pounds, thirteen ounces. . . . . | 76 | 3 | 2 | 13 |
| From Santa Lucia, one hundred quintals. . | 100 | 0 | 0 | 00 |
| From Trinidad and San Andres, seventy-eight quintals, three arrobas, fifteen pounds, one and a half ounces. . . . . | 78 | 3 | 15 | 1½ |
| Total . . . . . | 1205 | 3 | 19 | 14½ |

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The Junta has offered one of the companies of Guadalcazar, to remit to that mining district one of the distilling apparatuses ordered from London, which it has not been able to receive until now, on account of the blockade.

Certain sums are still due for premiums upon national quicksilver extracted at Guadalcazar, and also for that due upon one hundred and thirty-six quintals from New Almaden at the Durazno, which have not been paid on account of the suspension of payments out of the quicksilver fund.

Although the Junta has not received, these last few months, any official information of the state of those mines, still it sends to your Excellency a copy of the exposition inserted in the *Republican* of the 12th inst., in which a resident of that vicinity shows the new importance it is acquiring every day, and consequently the urgent necessity for its encouragement, saying that it already supplies, not only the mining district of San Luis Potosi, but also makes important remittances to Zacatecas, its quicksilver being sold fifteen dollars less than the present price of foreign quicksilver.

The Most Excellent Señor Don Demetrio Montes de Oca published a comprehensive statement of the terms upon which a company might be formed for the working of the mines of San Juan de la Chica, with a view to getting shareholders for that purpose.

The expediente relating to the working of the mine of Rincon de Centeno, of 1808, furnishes these data: "San Juan de la Chica has a tunnel of one hundred and fifty varas deep, with a diameter of twenty varas, with several pits, the deepest of which was thirty varas in depth; but that in none of them were there metals, but in the tunnel there were, and from there perpendicularly to the surface. Its matrix is against the lower side in the first two and a half yards of width, an ashy, saponaceous substance, the cinnabar piercing through it at different points; and higher up it is an immense green sod, with saponaceous veins, and some of rich cinnabar; and it was abandoned for its unprofitableness, having a furnace of two vessels, as stated by Don Casimiro Chovell." The Office, on giving these informations, transcribed a paragraph, in which Baron Humboldt recommends the said mine, referring to the information given of it by the last commissioners, Don Ignacio Alcorez and Don Benito Herrera, and concluded, opining that the Junta should employ as much as ten thousand dollars, for the purpose, not of working, but of exploring and investigating whether the mine was or was not good enough to justify the investment of the necessary funds in the working of it.

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It considered with regard to this, that by the taking a share in the enterprise, with the knowledge of the Government, the Junta would be enabled with a much less sum than that of ten thousand dollars, to examine the quality and circumstances of the mine, encourage a private negotiation, stimulate the formation of others, and bring about in the only and most effective mode then possible, the working of the quicksilver mines; for personal interest, and the constant attendance of the parties interested, would produce obvious advantages by the effectiveness of the works, and economy of expenses. The Junta on the 20th September of last year, proposed to Señor Montes de Oca some reforms to his bases, which being accepted, it asked from the Supreme Government on the 28th January of the present year, the power to take a share in said company, which the Government agreed to on the following day. The first dividend of one thousand dollars being paid in August last, the like has not been done with respect to the second as yet, for want of funds, although last month it proposed to the Ministry an expedient to meet this difficulty, but it has not as yet been approved.

The Ministry of Justice, on the 8th July, passed to the Junta for its report, an exposition of Don José Antonio Rodrigues Fuentes, Curate of Chistla, in which he describes the furnaces which he judges to be of those lately perfected at Almaden.

In the opinion of the Professional Board (Junta facultativa) of the College, it should not be published, because, since Vareles wrote, it is probable that there have been some improvements made in the furnaces referred to, and because they are not fit for the best and most economical extraction (*beneficio*), for the many subliming pots or clay tubes that are used in these large apparatuses, occasion considerable loss, which only the richness and abundance of those mines can bear. It judged also, that the best ones are those that are made with iron retorts, which can be varied in their dimensions according to the importance of the enterprise: that by establishing furnaces after the fashion of those of the Palatinate in Europe, the encouragement of the working of the precious metals, the smelting of iron now much advanced in the Republic, and the extraction of quicksilver, would be obtained at the same time; considering moreover that the mines of the country cannot, owing to their poverty, purchase apparatuses of Ydria and of Almaden, each little negotiation could furnish the number of vessels sufficient for the quantity of well selected minerals that each of their mines might produce. Finally it recommended an article of the "Museo Omeficario" translation of Don Joaquin Velasques de Leon, with the principal methods used in extracting Mercury,

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and the use of which should be recommended, and which are used with the best results in Germany; and under date of 31st October last, the Mining Tribunals and Departmental Governments were notified; meanwhile an apparatus was ordered, which being presented as a model, might serve for the construction of others in the Republic.

The Government of Jalisco on the 4th July, 1845, asked that the $20,125 10½ g. that was in charge of the Junta of Encouragement, belonging to the fund created by decree of the suppressed departmental Junta, of the 2d October, 1841, and which that of the Assembly of the 15th June, 1844, appropriated to the construction of the new jail of Guadalupe, which funds had been otherwise appropriated, be returned to it, and placed at its disposal, for the purpose of devoting them to the purpose for which they were appropriated.

The Junta of the 17th of said month of July, answered correctly, that the said Assembly had no power to use the said treasure, until the legislative power should repeal the decree of the 14th of said July in the year 1843; that the five thousand and twelve dollars and twenty-two cents, which had been completed up to the end of June in its treasury, had been equally so. On the 25th February last, the Ministry inserted to the Junta, a copy of the decision of the council, which reserves the resolution of the matter for the sovereign Congress. Meanwhile the Supreme Government, on the 8th June last, took said twenty thousand dollars in the form of a loan, to supply the exigencies of the public treasury.

On the 20th June of the past year, the Junta, in consequence of a new claim of the miners of Tepantitlan, Coronilla and Timotla, offered to undertake to establish an office, for the redemption and working of quicksilver in the south of this Department, as soon as it could count upon funds to defray the necessary expenses, with the understanding that the person who might be charged with the Direction might amplify the exploration of cinnabar veins, whenever the Government resolved that the time allowed for the examination of mines having expired, the expense of other explorations at those points could be paid.

The Ministry of Justice, on the 14th Novemher of the same year, announced that it could not do it without the *previous approbation of the Supreme Government.*

The Junta on the 21st of April, sent to the Professional Board (Junta facultativa) of the College, some specimens of cinnabar which Don Tomas Ramon del Moral presented in the name of Don Andres Castillero, a resident of Upper California, with a representation in which he asked for assistance to work

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a mine which he has discovered at the Mission of Santa Clara, known by the old Indians, who got out of it vermilion to paint their bodies. The assay having been made by the Professor of Chemistry, it resulted that the ores in common produced the extraordinary ley of thirty-five and a half per cent., which was communicated to the Government on the 5th May, representing to it that Señor Castillero had been asked what assistance he required of the Junta.

This Señor presented his petition in due form, and it having been very attentively examined by the Junta, he made his propositions, to which this (Junta) agreed, to wit: that there should then be delivered to him five hundred dollars in money, eight iron retorts, of those which the Junta ordered to be made for the examinations previously made; and all the quicksilver flasks it has in the negotiation of Tasco, Señor Castillero obligated himself, on his part, to repay said advance in quicksilver, at the rate of one hundred dollars a quintal, within six months from his leaving the port of Mazatlan. This agreement was approved by the Supreme Government on the 20th of the same month; but on account of the declaration of blockade made by the United States of the North, when he was about to receive the draft on Mazatlan, the Ministry issued the order of September 19th, of this year, directing the suspension of all payments of the branch of quicksilver, except those for the support of the College and the expenses of the office.

On concluding the narrative of the events that have taken place, with respect to the quicksilver branch in the last year, and the part which is passed of the present year, the Junta could not do less than to present to your Excellency, the following considerations: The decree of the 25th September, 1843, assures in its explanatory part, that it was dictated for the purpose of making the extraction of metals effective, that the Government proposed to free mining, by the authority which it conceded to its Junta of Encouragement by the other decree of the 5th July, issued with the object of enabling it to habilitate and encourage the working of quicksilver mines. The first three articles only serve to regulate the better fulfillment of the first part of article 8th of the said decree of the 5th July, the fourth had for its only object to designate the time within which the examinations and organization for working should be made, which time has not been sufficient, as experience proves; part of the fifth, and the four following are confined to making some regulations for the arrangement of the working of mines (avios), without making any change in the law, except that of changing to six per cent. the five that had been exacted for interest, by the law of the 5th July. The resolutions communicated in

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said articles, should therefore be considered only as regulations which the the Government can amend, revoke, or modify at its pleasure, in the exercise of its constitutional powers.

The other part of the fifth article, and the tenth, has a different principle, because by them was appropriated to mining, for mining works (avios), the one per cent. duties levied upon coin which might circulate from one Department to another, and it was fixed at one hundred and thirty thousand dollars, a sum which was deemed to belong to mining, out of the fund created by the law of the 2d December.

But these bases have been notably altered. The one per cent. does not now exist, because the decree which established it was repealed on the 22d February, 1845.

On account of the one hundred and thirty thousand dollars which has not been received in full, each year, nor at the times provided by article 12, the Custom Houses of Vera Cruz and Tampico of Tamaulipas have sent some amounts, of what they call the three per cent. on imports, in obedience to a private regulation made by the Ministry of Hacienda.

And article 11, relating to the appointment of commissioners to collect the duty on the circulation of coin, was virtually repealed by the extinction of said duty, article 13th remaining in force, which ordered an appropriation of fifteen thousand dollars to the College, which is paid with exactness, as also the increase of the endowment to $24,000, to which sum the subsequent Supreme Decree of the 29th December, 1844, increased it. Suffice it to say, that in all the present year the receipts of the quicksilver fund have been a little over eighteen thousand dollars.

By the natural consequence of the absolute default of the payments, and the considerable reduction of others, the Junta has not been, and is not yet able to explore certain mines, establish offices for the redemption of liquid quicksilver, afford to the speculators divers kinds of assistance, procure said article from Europe, nor aspire to the contract for that of Almaden, for although it is true, that the said decree of the 25th September, on restricting the powers of the Junta *in the working* (*avios*) *of mines*, gave it a new fund, which has subsequently been extinguished, and it assumed that the new impost fixed on foreign linens and cotton goods for the Juntas of Mining and Industry, would amount to one hundred and thirty thousand dollars; it is also true that these resources have been reduced in such a manner, that it is not possible to accomplish all the laudable objects, which the original law proposed to itself.

With such view, it becomes indispensable to declare, that

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the Junta has used all the powers given it by said decree of the 5th July, to provide for the payment of the sums which the government has taken from the funds of the Junta, and which at this date amount to over four hundred thousand dollars, to assign a fund to the Junta equivalent to the one per cent. of which it was deprived, and to forward directly in future and at the proper time, from the Custom Houses of Vera Cruz and Tampico de Tamaulipas, the original legal appropriation.

### SALT.

The disadvantages of the monopoly of some salt mines have been earnestly debated in the newspapers. Aside from the right which the present contractors may have acquired, and the indemnity which they should receive on being deprived of the property acquired, the Junta acknowledge the absolute necessity there is of destroying the monopoly of that article, for the benefit of mining, declaring the working of it free wherever it is not so.

### STATISTICS.

The Junta, convinced of the importance of the acquisition of official data as to the consumption of goods necessary for the extraction and working of metals, has repeatedly asked for them, not only from the local authorities, but also from the Mining Companies, and although some of them have remitted them with an exactness and frankness which will do them honor, as the others have not done so yet, the information acquired is insufficient, to be able to give at least an idea, to serve as a basis for any calculation whatever.

### ADMINISTRATIVE DEPARTMENT.

*Collection of the Endowment Fund.*

The Junta wishing to improve the system it had established, to transport to this capital the funds which it collects in the different mining districts, entered into communication for that purpose with some houses of known solvency, therefore in December, 1843, and in January following, Messrs. Manning & Mackintosh, Serment P. Port & Co., Don Anselmo Zuvutuza and Don Tomas de la Torre & Co., made their respective sealed proposals; but as the discount and the time were united in them, it was necessary to assume an interest of seven per cent. per month on the money, to ascertain the average upon a given kind so as to compare the results.

The arithmetical operation gave the discount at the rate of 4,53—5,29—5,30 and 6,44. The first proposal was therefore

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preferable, but the Junta considering that one of the others embraced a proposal for the contract of exchange at par, and with a credit of six months, by which, delaying for the present, and without serious injury the payment of interest to the creditors, it would save nearly ten thousand dollars annually, according to a calculation made with reference to the products of the year 1842, it offered the business upon this basis to the house of Messrs. Manning & Mackintosh, on the 20th of said January, which accepted it on the 27th, upon the condition, among others, that it would receive the products in the places where the "Real de Mineria" is collected, the agents of the Junta immediately giving drafts against the house, payable at par six months after sight, which would be paid when due, and if the Junta should need any amount before the time of payment, the firm would furnish it, but at a discount of seven-eighths on the dollar.

To make the collection uniform, and have it made with more security and greater economy, to restrain failures and avoid the difficulty of not finding at all the places responsible persons, owing to the paucity of population, or the smallness of the amount to be collected, the Junta contracted, by an instrument in writing (escritura) of date 21st May 1844, with said house, it making itself responsible for all the collections, upon the condition that, appointing the agents for whom it would be responsible, they should collect in each mining district all the proceeds of the said tax, and remit it to the Junta, according to agreement of exchange heretofore mentioned: that every four months they should remit the certified amounts of their collections, and that the contracting house should allow itself four per cent. for commission and all other expenses.

The Junta by this means has obtained its object, for deficits have ceased, the collection is more uniform, one-fifth of the disbursements for salaries has been saved, and the exchange although upon time, made without the discounts which were formerly made.

PRODUCTION.

Document No. 1, sent herewith, is a general statement, showing where the real per mark, on silver of the ley of 11 dineros which is paid by the introducers, has been collected during the ten years which elapsed from 1835 to 1844, to ascertain the total amount paid at each place, and also the total amount of the average of proceeds of the tithe in all the Republic, and in the several places where the collection has been made, showing also the number of marks to which the products amount and their value.

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Besides the idea which it gives of the relative importance of mining, its examination shows that, the real collected amounts to 1,988,899 dollars 2 rls, 5-6 of a grain, which amount results from 15,911,194 marks 3 oz. 5-8 of a drachm, amounting in value to 131,267,354 dollars 2 r. 10 2-10 of a grain, the average of the real being 198,889 dollars 7 r. 5-36 of a grain, that of the bullion marks 1,591,119 3 oz. 4 eighths 3-52 of a drachm, and that of the value at 8¼, 13,126,735 dollars 3 r. 5-81 of a grain.

But comparing the first and second period of five years, there results a difference in the collections in favor of the latter of 113,130 dollars 2 r. 6-10 of a grain, or what is the same, 905,-042 marks 3 eighths ½ of a drachm, amounting in value to 7,466,-596 dollars 7 r. 3-1 of a grain, making the average of the collection 22,626 dollars 4-92 of a drachm or, 181,008 marks 3 oz. 2 eighths 1-44 of a drachm, which is worth 1,493,319 dollars 3 r. 0-62 of a grain; the average of the first period of five years shows a production of 1,500,615 marks 1 oz 7-8 2-8 of a drachm, worth 12,380,075 dollars 5 r. 11 grains, and the 210,202 dollars 7 r. 82 of a grain, of the second shows 1,681,623 marks 5 oz. 1 eighth 4-24 of a drachm, worth 13,873,395 dollars 11-62 of a grain.

In view then of the basis of the tithe, the yield is about equivalent in Zacatecas to 33 2-32 per cent., in Guanajuato to 21 12-32, in San Luis Potosi to 7 22-32, in Pachuca to 6 24-32, in Guadalajara to 5 4-32, in Mexico to 4 26-32, in Durango to 4 18-32, in Guadalupe y Calvo to 3 24-32, in Chihuahua and Jesus Maria to 4 18-32, in Rosario, Cosala and Mazatlan to 2 26-33, in Sombrerete to 2 22-32, in the Parral to 1 6-32, in Zimapan to 28-32, in Alamos to 27-32, in Hermosillo to 26-32, in Oajaca to 2-32, and in Tasco to 1-32; but it is to be observed that, for the purpose of pursuing a general principle, the corresponding differences, whether favorable or unfavorable, of less than 1-32, have not been estimated, neither have those which arise from the difference of time during which some of the collections were made in the decade, neither has the clandestine exportation of silver, the production of gold, nor the consumption of said metals in the arts been considered, because the Junta has been unprovided with data necessary for the purpose.

ACCOUNTS.

Already the Supreme Government, on the 12th July, 1844, by a decree of its council declared that, by virtue of the law of 30th September, 1841, it is the duty of the office of Auditor of Ways and Means, to settle the pending accounts of the suppressed Mining Tribunal.

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They comprise from the 21st December, 1823, to 8th January, 1827, the day on which the establishment which succeeded commenced operations, although it was created by decree of the 20th May, 1826.

The general accounts of the latter to the end of August, 1833, were presented to the Government on the 26th August, 1838, to be remitted by it to the said Auditor's office, which office was then designated for the corresponding settlement; those of the last third of 1833, directly, on the 4th of the same month and year, 1838; those of 1834 to 1838, on the 20th December, 1839; that of this year, on the 7th May, 1840; that of 1840, on the 30th March, 1841; that of 1841 on the 20th February, 1842; and that of 1842 to the Tribunal of Revision of Accounts, on the 22d March, 1844, but with division of the responsibilities, for the Establishment ceased on the 25th December, and the present Junta began its labors on the 26th; that of 1843 being rendered on the 29th March, 1844; that of 1844 on the 19th May, 1845, and that of 1845 on the 23d of last month.

There still remain a few private accounts to be presented, their liquidation being pending in consequence of the great distance at which are the responsible persons, or from some other obstacle as yet insuperable to the Junta, which impedes for the present, their final settlement.

Divers and gradual improvements have been made in the form and mode of verification of the accounts, from one very imperfect, to another notable for its clearness.

The obstacles consequent upon the bad system which had been adopted, united to the scant resources upon which the office could rely for its business, complicated the accounting very much, and delayed the result of its important purpose.

Without closing as yet the accounts of 1827 to 1833, and pending the last third of said year upon the contestation about repairs deducted by the office of Auditor of Means, and which it is not possible to pay without great delay, the revision and final adjustment of the subsequent one must necessarily remain suspended.

To remedy the evil, the Establishment indicated on the 28th April, 1841, that, reserving the right of continuing the labors relative to the conclusion of those accounts, those of a different personal responsibility should be examined and finished, leaving no connection between them, except what naturally exist between the first item debited in the former, and that last credited in the latter, the sole means, without which, the disorder will still be transcendent, and fatal in the future.

The accounts in the Junta are, as has been stated, presented

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to the Tribunal of Revision, but will remain as an indefinite deposit, and the Junta embraces the opportunity of beseeching from the Supreme Government the prompt settlement of those appertaining to it.

Annexed is a statement, marked No. 2, of the debits and credits of the collecting agents of the real per mark on silver in the Republic, in the same ten years, and not for the whole time, owing to the lack of various data, and the confusion observable in that which has been furnished, and another, numbered three, which shows the receipts and disbursements, and amount in hand of funds had in the Establishment, and in the present Junta at the Capital of Mexico, and by the Dotal fund, from the 8th January, 1827, when the Provisional Junta of Mining ceased, to the 31st December, 1845, because being an extract from the annual statements, it will serve as a public account, which reveals the course pursued in the management of these funds by the different individuals charged with their administration. There is also annexed, numbered 4, an extract of the values during the same time.

CREDITS.

The claims of the Mining Tribunal against the Government, without including some unliquidated items, according to the statement presented by the Provisional Junta of the branch, on said 8th of January, 1827, amounted to 1,090,124 dollars, 2 reals, 1 grain.

This ancient debt, to which are to be added various sums which the States disposed of formerly in the time of the confederation, and the amounts of interest which make up some items, has not yet been acknowledged, notwithstanding the efforts that have been made for that purpose, to this day. Nor has the subsequent debt been liquidated, except in the part relative to the capitals, for the time embraced in the decade from 1835 to 1844.

If the offices charged with the liquidation of the public account, would terminate that of the claims of mining against the National Treasury, these being acknowledged, it could distribute them among its creditors in payment of interest or principal, greatly reducing its debt, and increasing the circulating medium in the country with a paper that would have a value which at present it has not, or otherwise make some arrangement with the Treasury equally useful to the debtor and creditor.

The Junta, in the mean time, will continue strenuously engaged in the examination and liquidation of all the items that constitute its claim against the public treasury, so as to

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ascertain its total amount, under the belief that the amount of its claim against individuals is for the most part lost, and the rest relatively of little importance.

The principal due, bearing interest at 4½, 5 and 6 per cent., as it appears from a statement made by the said Provisional Junta, amounted on the 7th January, 1827 to 3,624,165 dollars 2 reals, and the interest thereon without including a few payments that were to be made at the dates to which said statement was confined, to 2,233,654 dollars 6 reals 1 grain, so that the debt, at that date, was 5,857,820 dollars 1 grain, even without considering the pending payment. See statement No. 5.

The Junta owed, at the end of 1845, according to the liquidation made by the office of its Auditor, without including the interest of doubtful payments amounting to 9,333 dollars 2 reals and 8 grains, nor that of 200 dollars, the balance of principal which had been paid, for principal sums 2,589,018 dollars 2 reals and 2 grains, and for interest 2,370,474 dollars 1 real and 8 grains, making in all 4.959,492 dollars 3 reals and 10 grains. From a comparison then, of said sums, it appears that the debt for the principal sums during the whole time which elapsed from the 8th January, 1827, to the 31st December, 1845, has diminished 1,039,146 dollars 7 reals and 10 grains; that for interest has only increased 136,819 dollars 3 reals and 7 grains, a reduction of 898,327 dollars 4 reals and 3 grains, having been obtained on the gross amount of the debt.

Supposing that no payment whatever had been made, of interest due to the end of 1845, it would have amounted to 3,397,336 dollars 1 real 6 grains, and the total debt to 9,255,-156 dollars 1 real 7 grains, the outlay for redemptions, payments of interest, &c., including 60,274 dollars 3 reals and 7 grains, in orders on the Maritime Custom Houses, divided among the creditors in the year 1834, and which do not figure in the statements, has amounted to 1,952,632 dollars and 11½ grains, at this date the true debt would be 7,302,523 dollars 1 real 7½ grains, and as in fact it does not exceed 4,957,492 dollars 3 reals and 10 grains, the difference in favor of the funds in consequence of the payments made, amounts to 2,343,030 dollars 5 reals and 9½ grains, which is proved also by the consideration, that without them, the debt would have increased 1,444,703 dollars 1 real and 6½ grains, the amount of its diminution makes up the same difference.

This reasoning clearly shows the necessity there is for, and the immense advantages which can be obtained by, legalizing and fixing secure bases for the periodical payment of principal.

With regard to the payment of principal and interest made during said decade, the proper statement is annexed, numbered 6.



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QUICKSILVER FUND.

The whole amount of the collection of the duty of one per cent. on the circulation of coin, made at the principal administrations of revenues and their dependencies, the times at which they have made them, the salaries to the persons charged with the collections, the net proceeds which resulted in favor of the funds, the exhibit of the sums disposed of by the Supreme Government, that of the losses suffered by failures and robberies, that of the amounts which were remitted to the Treasury of the Junta, and that of the assets which remained in the administrations,—all comprising from the 25th September, 1843, until the collection of this impost ceased, by virtue of the law of 22d February, 1845,—are the objects to which Statement No. 7 relates; and in order to show the proceeds of said impost and its investment, as well as that of the part received of the $80,000 or $90,000 per annum appropriated to the Junta in the Custom Houses of Vera Cruz and of Santa Anna de Tamaulipas, a statement is annexed marked No. 8.

From its examination it appears that, although the balance, up to the end of 1845, amounts to 508,825 dollars, 2 reals, $6\frac{7}{8}$ grains, the true amount of receipts which both funds must have produced, is 481,239 dollars, 2 reals, $2\frac{7}{8}$ grains; but as, of this amount, the Supreme Government owed 324,327 dollars, 6 reals, $8\frac{1}{2}$ grains, less than one-third part of the proceeds only have been available; for scarcely was there left disposable 156,911 dollars, 3 reals, $6\frac{3}{8}$ grains, which, with 1,907 dollars, 4 reals, $7\frac{1}{2}$ grains for premiums had on exchange of bills, 1,513 dollars, 1 real due by Messrs. Manning & Mackintosh, and 36 dollars, 1 real, $5\frac{1}{2}$ grains due by the Direction of Industry, make in all the sum of 160,368 dollars, 2 reals, $7\frac{3}{8}$ grains; of which 136,646 dollars, 5 reals, $\frac{3}{8}$ grain were used, 565 dollars, 1 real, 4 grains were lost, and there remained 23,156 dollars, 4 reals, 3 grains on hand.

It appears, in like manner, that the said Custom Houses have scarcely remitted a little over the fourth part ($27\frac{1}{2}$ per cent.) of what the law assigned them; that the exhibit of the collection of the one per cent. is still incomplete for want of various data, and because the balances of said collections held by some administrations could not be collected from them; and that, as the proceeds amount to 483,146 dollars, 6 reals, $10\frac{3}{8}$ grains, and the expenses of administration and collection to 30,596 dollars, 4 reals, $5\frac{3}{8}$ grains, the result is, that those proceeds have only suffered the slight reduction of $6\frac{3}{8}$ per cent., which is very moderate if compared with what others bear in their collection.

The Statement No. 9 comprises the receipts and disbursements, and amount on hand, of this branch, to the 19th inst.

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To restore to the general quicksilver fund the amounts invested for other purposes than those appointed by law, the Supreme Government ordained, on the 4th July, 1844, that the Maritime Custom Houses of the South should deliver to the person appointed for that purpose by the Junta, the half of the proceeds of the average duty. It was consequently intrusted to the firm of Messrs. Tomas de la Torre Jecker & Co., they accepting the proposals made by the Government on the 7th August, as to completing in this capital, at a discount of three per cent., the sums their correspondents should receive in the said ports.

The proper orders to that effect were issued, but the measure has been eluded under so many different aspects, that the most efficacious endeavors of the Junta have only served to convince it of the inutility of other new orders, unless they are couched in terms so clear and energetic as to avoid all kinds of abuses and interpretations. Thus it is, that all that has been collected this year has been 1,495 dollars, 5 reals, 6 grains, which being deducted from the Government debt, the latter at this date amounts to the sum of 417,702 dollars.

JUNTA OF ENCOURAGEMENT AND ADMINISTRATION OF MINING.

CONCLUSION.

On closing the present report, the Junta embraces this opportunity, in the discharge of its duties, to call the attention of Your Excellency to a grand affair, vital and of abundant prosperous results to the important body of miners, and consequently to all the Republic. As the reasons which support it rest on principles, data, and results which it has examined with the greatest attention, in the several reports that it has had the honor to address to the Government heretofore, it will again present them, and even permit itself to use the same words with which it expressed its ideas; for it does not aspire to originality upon a subject already exhausted, and as to which nothing new can be added, everything being already stated, and in the best possible manner.

By a great misfortune, which humanity will ever lament, the clouds of error often for a long time darken the truth, until the happy moment arrives when they are dissolved, it appears with such brilliancy that no one fails to perceive it as it really is; then Rulers, far from ignoring it, adopt it as a principle, and those who constitute nations avail themselves of a benefit which before it was not given them to enjoy. The sixteenth century passed, the seventeenth expired, and part of the eighteenth was

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necessary, for the Spanish Cabinet to open its eyes, and better reconcile the interests of its Exchequer with those of its subjects. It came to understand that, in proportion to the franchises it granted to mining, whether exempting it from half the fifths or from the two fourth parts of the value of quicksilver, so the coinage went on increasing, at such a rate that, not amounting to over five millions of dollars per annum in the early part of the eighteenth century, in the first years of the present, it has reached the exorbitant sum of twenty-seven millions.

It observed also with amazement, that in the same ascending scale were the proceeds of all the other revenues; the entire proceeds of them all, in the year 1712, amounted to three millions sixty-four thousand four hundred and ten dollars; in the year one thousand seven hundred and sixty-four, to six millions; in the year 1767, to twelve millions; in the year 1792, to nineteen millions; and in the year 1810, memorable epoch of the glorious cry of independence, raised at Dolores by the immortal Hidalgo, to twenty millions, four hundred and sixty-two thousand, three hundred and seven dollars, five reals. So true is it, that among us, all has depended upon the influence of mining; upon this first motor of the prosperity of the nation; upon this principal agent, to whose action the increase of our agriculture, industry and commerce, are subordinate; upon this only source of our wealth. If other nations support themselves, prosper and become great, whether with the fruits of their agriculture, with the products of their various arts offered to commerce, from the first materials to the most refined works of good taste; it is beyond doubt, that the Mexican Republic has not, by a deplorable fatality, any other source of wealth than the working of its mines. Mining then is our only active pursuit, the rest are passive. To the foreign market we hardly offer any other products than our gold and silver, and all our mints are not sufficient to pay for the goods we annually consume, and which are imported into the Republic. Without the working of our rich metals we would still be Spanish Colonists, and if this source of prosperity should become dry, our independence would be lost forever. Such, so great and transcendent have been, and will continue to be for a great many years among us, the works undertaken in the working of our mines. The lengthy period of more than three hundred years' experience and reason, place in the class of practical truths the following: *the working and yield of the mines will increase, in proportion as the imposts and the value of materials used in mining diminish.* The Spanish Government became convinced of it, consequently it adopted as a principle, *to grant to miners as*

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*many privileges as it could, and never in the least to burden them;* and gathering with abundance the precious fruits of its enlightened proceeding, with so many additional millions that entered its Treasury, it came to say, in the royal order of the 15th February, 1778, *that it wished to contribute to the relief and encouragement of the miners, even at the costs of its royal treasury;* in that of the 17th July, 1779, *that it should be unequivocally believed, that whatever aids are given to the miners, are so many positive additions to the royal treasury;* and in that of the 1st February, 1780, *that the Mining Tribunal should take care, that this branch should not experience any check, in the understanding that it considered it the first motor of wealth, and foremost in the cares of its government.* Such were the maxims which were adopted by a government, very zealous for the increase of its revenue, the instant it became convinced that the same increased in proportion as it granted favors, exemptions and franchises to the important branch of mining. The Junta has heretofore caused to be observed, and it is proper to repeat, that the reductions made in the prices of quicksilver amounted to three reals per pound; and as a little less than a pound is what is used to extract each mark of silver of full ley, the yields were abundant, because many ordinary proceeds were made payable, which without this concession would not have been worked. *Our mines are distinguished from those of Europe, rather by the abundance of minerals that are found in the bowels of the earth, than by their intrinsic riches.* Deign your Excellency to fix your attention here. While the progress of science does not substitute another mode of working silver ores, for that discovered in 1557 by Bartholomew Medina, a miner of Pachuca, quicksilver is absolutely necessary, and this ingredient being monopolized, since the year 1835 by the house of N. Rothschild in London, the miners find themselves compelled to take it at the exorbitant price of 146 dollars per quintal in this city, and even at a higher price at some distant point. The metals of poor ley, which are the most abundant, cannot be worked, and millions of marks exist in our immense heaps of earth, lost to the miners and to all the Republic. The excessive price at which the quicksilver is sold, from the cause which has been stated, and the miners not being able, even so, to get all they require for their work, is a fatal event, the greatest of evils, and of infinite lamentable transcendency to mining, for it is known that what constitutes its wealth, is the prodigious abundance of minerals of very poor ley, or what is the same, *we are possessors of a wonderful quantity of earth, containing a small quantity of silver, the extraction of which therefore becomes very difficult, and occasions increased expenses.* The exorbitant

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price which quicksilver maintains, has destroyed the equilibrium which should exist between the expenses and products, so that having increased the former, the only metals which were worked, were those whose ley will defray them, and leave some profit to the undertakers (empresarios). And the others of slight yield, which are the most abundant as has been said, are abandoned, to the detriment of mining and consequently of all the Republic. If, by the reduction of the price of quicksilver to the value of 41 dollars, 2 reals 11 grains per quintal, the coinage reached the enormous sum of 27,000,000, for a contrary reason it increased much more than one-half, from the moment quicksilver could not be had except at so high a price. This is the principle cause that influences the decadence of mining. To meet an evil that is the greatest of plagues to the Republic, for it affects all the branches of public prosperity; to make her independent of mercantile calculations, which European merchants form for the purpose of securing to themselves riches by monopolizing quicksilver, and finally to save the Republic two millions per annum, which are exported in cash to procure this necessary ingredient; on the 2d December, 1842, was passed that saving law, which did so much credit to the Provisional Administration, because no one has been indifferent to it, for its beneficial results are felt by all. There was created then a fund, destined exclusively to the acquisition of quicksilver, to give it to the workers of metals at cost, and in consequence of this decree, there were others made empowering the Junta either to contract for the quicksilver of Almaden, to work and protect the mines of this metal which should be found in the Republic, or to appoint commissioners over all its vast extent, to explore and examine the quicksilver mines. With such decisive and enlightened protection, the Junta commenced its labors, cheered by the consideration that the gifts which in other nations the wise hand of the Supreme Maker chose to limit, have been all liberally granted by it to us, in this happy country, where from one end to the other, it has shown its power; the multitude of informations, from heaps of expedientes, which are found in the Archives of the Junta about investigations made since the time of the Spanish Government, to discover cinnabar mines; and finally, the profound scientific knowledge, and most respectable authority, of the celebrated Humboldt. This illustrious traveler, in the work which has immortalized him, expresses himself in these terms: "The inhabitants of New Spain, have for centuries obtained the mercury necessary for amalgamation, partly from Peru, and partly from Europe, whence it has resulted, that they have accustomed themselves to look upon their country as entirely

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destitute of this metal; still upon looking over the investigations that were made during the Government of Charles IV., it must be admitted, that few countries present so many indications of cinnabar as the table lands of the Cordilleras, from 19° to the 22° of latitude north. In the Intendencias of Guanajuato and Mexico, they are found almost in every place where wells are opened, between S. Juan de la Chica and the village of San Felipe; near the rincon de Centeno, in the vicinity of Celaya, and from the Durazno and Sierra Nevada to San Luis de la Pas, and especially near Chapin, Real de Pozos, San Rafael de los lobos y la Soledad.

Sulphate of Mercury has also been discovered at Ajuchitlan, and at the Zapote, near Chiranganguco in the Intendencia of Valladolid; at the Frejones, near Tasco, in the District near the Doctor mines, and in the valley of Tenoztittau, south of Gazave, on the road from Mexico to Pachuca. The works undertaken for the purpose of exploring these different mines, have been so often interrupted, and have been conducted with such little zeal, and generally with such little skill, that it would be very imprudent to take for granted, which it often has, that it is not worth while to undertake to work the quicksilver mines of New Spain. On the contrary, according to the important information derived from the works of Don Casimiro Chovel (a pupil of the College of Mining), it seems that the veins of San Juan de la Chica, as well as those of the rincon del Centeno, and of the Gigante, are well worthy of attracting the attention of Mexican miners. Can it be expected, that superficial works, the working of mines which are in their commencement, should leave from the first years, profits to the shareholders? America in its present state is tributary to Europe with regard to Mercury. * * * * * * * * * * It is probable that this dependence will not be of long duration, if the bonds which bind the colonies to the Metropolis should be interrupted for a long time, and if the civilization of the human species, in its progressive movements from East to West, should fix itself in America. With population, the enterprising and searching spirit would increase, and the more the country becomes inhabited, so much the more will the natural riches which are contained in those mountains become known. If no mine of equal richness to that of Huancavelica should be discovered, there will be a good many put in operation at the same time, the united products of which will render unprofitable the importation of the Mercury of Spain and of Caruiola. These changes will be made with the greater rapidity, as the Mexican and Peruvian mines shall see themselves pressed for want of the metal necessary for amalga-

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mation. * * * * The period is not far off, when the colonies, more united to each other, will also attend more to their common interests. * * * * Perhaps Mexico and Peru, instead of receiving this metal from Europe, will, in time, be able to furnish it to the old world. * * * * * And it is even to be hoped that, in proportion as the inhabitants of the new world learn to avail themselves of the natural richness of their country, the progress of chemical science will conduce to the adoption of modes of amalgamation, in which less mercury will be lost. It is by diminishing on one side the consumption of this metal, and on the other increasing the products of indigenous mining, that the American miners will become well able to dispense with the Mercury from Spain and China."

The Junta very justly promised itself, that, our natural riches being better known, the spirit of enterprise would lead us to explore all the quicksilver mines in our country, so as not to be tributary to foreign countries for this ingredient, which costs us such large sums; its high price, moreover, absorbing the greater part of the abundant products of our gold and silver mines. It persuaded itself, and still entertains the same hopes, that those presentiments of Baron Humboldt would be realized in our days, enjoying the happy result of finding ourselves not only provided with all the quicksilver we want, but that the multitude of our mines would enable us to make it an article of exportation, offering it to the foreign markets.

This is not the occasion to present together all the labors of the Junta to correspond to the high confidence with which the Government has honored it. A part of them are expressed in this note, and the others may be found in the memorials, reports, and multitude of communications which are in that Ministry. For the present, it will merely assure what is shown in these documents, to wit: that the spirit of enterprise has been so stimulated that the quicksilver mines in the principal Departments of the Republic are being worked, both by companies and by individuals; that, in that of San Luis Potosi, the quicksilver extracted is in proportion to the silver reduced, so that no foreign quicksilver is required; that, in that of Upper California, in the Presidio of Santa Rosa, there has been discovered by Señor Andres Castillero a great mine, the leys of which are truly surprising, since it results from the assays made in the College of Mining that the common fruits show a ley of over thirty-five and a half per cent., while that of the best mine which is known, that of Almaden, does not exceed thirteen per cent.; and finally, that, from all the data

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collected, it may be hoped on good grounds that our mines of quicksilver are more than sufficient to supply all that is required for the reduction of our silver.

This grand national enterprise the Junta has not been able to carry out, because it was deprived of one of its funds, of one per cent. of the circulation of money, without substituting any other, and because of the remaining fund it could only dispose of one-third part, since the Government, in the distress of its Treasury, has used the rest. The evil was increased to the lamentable extremity of leaving it (the Junta) without any, by the order of the 10th May last, which directed the suspension of all the payments which were made by the public Treasury. The sad results of such determinations the Junta will not stop to detail; they are manifest from what has already been here shown.

The more distressing the circumstances in which the national Treasury finds itself, so much the more is it the duty of the Government to take care of, protect, and preserve that sole fountain of resources, which it will find only in mining. There is a deficiency of coin in circulation, our commerce is inactive, our agriculture is bankrupt, and our nascent and precarious industry on the point of disappearing. The Government now, more than ever, needs money to repel that unjust aggression, made on us by a perfidious neighboring nation, which, boasting of its civilization, shamelessly reproduces a barbarism that was proscribed even in times of the greatest ignorance; and that money our mines only will furnish, but in the inverse ratio of the cost of quicksilver. An abundant supply of this ingredient being obtained, and at very reasonable prices, all our gold and silver mines will show themselves in a state of prosperity; and even from our immense abandoned heaps of earth will be extracted those precious metals which, converted into coin, creating new revenues, will furnish us, not only with that money which we so much need to maintain the national honor, but also whatever else is necessary to arrive at the degree of prosperity, the enjoyments of which are guarantied to us by a mild climate, such varied and exquisite fruits, eight millions of inhabitants, and those surpassing qualities with which Nature has been pleased to distinguish them.

To obtain such great ends, in view of the powerful reasons which the Junta has had the honor of laying before Your Excellency, it will conclude by sketching the measures which it thinks most requisite, and which it hopes Your Excellency will be pleased to support before the Sovereign National Congress.

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1st. That there be left to the Junta the free use of all the powers granted to it by the Decree of the 5th July; that also, there be left to it, free, the fund which for this purpose was created by the law of the 2d December, 1842; that there be appropriated to it, as equivalent to the one per cent. on coin in circulation which was abolished, one per cent. of the three per cent. collected by the Treasury on the value of gold and silver extracted in the mines of the Republic; and that the positive payment of the sums which have been used by the Government out of these funds, for different purposes, be provided for.

2d. That for the opportune acquisition, at a reduced price, of the European quicksilver, so indispensable to cover the deficiency still left by that of the country, for the use of the mines and mechanic arts, the Supreme Decree of the 17th February, 1843, be declared in force.

3d. That there be granted the franchises conducive to an increase of enterprises for the extraction and fusing of Mexican iron.

4th. That the Sovereign Congress be asked to attend to the remodeling of the Mining Ordinances, making in them the improvements required, for the exploration of iron and coal mines, as well as for the cultivation and preservation of the forests and groves of the Republic.

5th. That the tax on goods, in all the gold, silver, and quicksilver mining districts of the Republic, be abolished.

6th. That in like manner, the working of salt mines be declared free wherever it is not so now.

7th. That ten per cent. of the gross proceeds of the collections of the dotal fund be appropriated for the redemption of capitals and interests, which redemption will be made every four months, from the best bidder. There will also be applied to this redemption the part of the claims against the national Treasury, as soon as they are acknowledged.

The Junta has the honor to present to Your Excellency its highest consideration, most distinguished esteem, and most profound respect.

GOD AND LIBERTY!

MEXICO, November 17th, 1846.

VICENTE SEGURA, PRES'T.

The Secretary being occupied—

ISIDRO R. GONDRA, 1ST CLERK.

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## TRANSLATION OF EXHIBIT BASSOCO No. 5.

BOOK THIRD OF MINUTES [ACTAS].

*From 2d April*, 1846, *to 30th June*, 1847.

The disbursing Cashier, keeper of the Sealed Paper, certified that to-day, at page 18 of the journal of debits, the following entry has been made:

Debit eight dollars, seven reals, which was completed by Don Manuel Rodriguez, for value of one hundred and forty-two seals, fifth class, of the biennial term of 1846 and 1847, which he pays for the same number of leaves of a book belonging to the Junta for Encouragement of Mining. No. 108. 8. 7. 0.

Martinez del Campo=Manuel Rodriguez.

Mexico, nineteenth June, eighteen hundred and forty-seven. With my intervention.

JUAN N. CAMACHO.
[Rubric.]

JOSE MARTINEZ DEL CAMPO.
[Rubric.]

—

*Session of 23d April*, 1846.

Present, the Señores Segura, Flores and Bassoco. After the approval of the minutes of the Session of the 20th inst. report was made of the following communications:

*First.*—From the Ministry of Justice of date 17th instant, authorizing the Board to submit to arbitration the question of the claim for eight thousand dollars against Don Joaquin Llaguno as surety for Don Manuel Gonzales.=Let instructions be drawn up for Don Eduardo Penny.

*Second.*—From the same of date 20th, replying that there has been transmitted to the Ministry of Finance copy of the communication in which it is requested that Executive Orders be given to the Custom houses of Mazatlan and Guaymas, for the delivery of the half of the duties of average (averia) appropriated for the payment of the debt of the government to the Junta=To its Espediente.

*Third.*—From His Excellency the Governor of San Luis Potosi, accompanying Certificates of there having been extracted from the mines of Guadalcazar five hundred and eighty-six quintals of quicksilver, for the purpose of claiming the premium of five dollars per quintal granted by law, representing that

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the parties interested request the prompt payment of the same, with the object of procuring an apparatus for distilling.—Let the bureau of Encouragement (fomento) report.

*Fourth.*—From the Mining Tribunal of Zimapan, complaining of the Judge (Juez de Letras) of that District.—Let the same be communicated with recommendation to the Governor of the Department.

Two from the Direction General of Industry dated 21st and 22d inst., acknowledging the receipt of the last drafts for the three per cent. of importation duty, with the difference of one cent.—The first to its Espediente, and the second remitted to the Comptroller's Office.

Another from the Collector of Customs at Hermosillo, representing why he has not been able to send the accounts of the one per cent. which are asked of him.—To its Espediente.

Another from the Architect Don Antonio Villard, presenting a list of the works which in his opinion should be done on the College for its repair and preservation, amounting to two hundred and fifty dollars.—Let the Treasurer report in view of the works proposed.

There was read a report from the Comptroller's Office relative to an account of the Collector in Guadalajara, advising that the Assayer and Administrator be reprimanded for certifying to the same without having examined it. The Junta resolved in conformity, and also that in addressing the principal assayer the said certificate be remitted to him, and he be requested to return it, that it may be sent back to the Collector to make out anew, and that like communication be addressed to the Direction of the Revenue, in respect to the administrator.

Another report from the Comptroller's Office, making distribution of the drafts for the three per cent. lately received from Tampico, amounting to three hundred and eleven dollars, sixty-four cents.

Notice was given of an opinion of the Bureau of Fomento, relative to the Tribunal of Mazapil not having elected a President. The Bureau is of opinion that the question be asked,—How can there be no miners who can read and write, when in February of the present year twenty-three voted by secret ballot by means of tickets?—The board ordered in conformity.

The Secretary said, that in the Espedientes relating to Tasco, it is shown to be true that Don José Zamora has not received the sixteen dollars per week which the Junta allowed him as administrator, ever since on the 30th ult. he offered not to claim said allowance, in the case that after a settlement of the accounts of the whole year there should have been no profit to the Junta, and also represented that the proper Bureau of the

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Comptroller's Office had reported on the 14th of March to agree that the profit of four thousand dollars which said Zamora deducted, has been deducted exactly. The Junta resolved, that said sum may be credited to him from August to the end of December of the past year.

The Professor of the College, Don T. Ramon del Moral, having sent in some specimens of cinnabar from the presidio of Santa Clara, in Californias, it was resolved, that they be transmitted to the Director, with copies of the letters of Señor Castillero, who sends them, that the proper assays of them may be made.

Report was made of a list presented by the bureau of Administration of unfinished business, and it was resolved—

*First.* That Don Enrique Mackintosh be required to collect the installments due by the assayer Don Mariano Cataño.

*Second.* That Señor Don Diego José Perez Fernandez be reminded of the sums and answers which he promised to give since the 1st of March, and that the Official letter to this effect be delivered to him in person.

And *Third.* That there be duplicated to Señor Don Miguel Moro the Official letter, in which he was asked if he was disposed to pay the interest of the eight thousand dollars which he owes on his estate of San Sebastian.

[Three Rubrics.]

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*Month of May*, 1846.—*Session of* 2*d.*

Present, Señores Bassoco and Flores. After the approval of the minutes of the previous day there was read a communication from Don Manuel Mariano Cortazar, dated 22nd ult., together with the Inventory of the articles which he received belonging to the Mine of Atargea. The Junta resolved that, pending the report of the bureau of Fomento, reply be made to him that Sor. Echevarria shall be seen, and that either through him, or by way of Queretaro, money shall be remitted to him by the mail of Wednesday.

The Señor Licenciate Don Diego Perez Fernandez appeared, and after having agreed to the observations made by the Comptroller's Office, he represented that having to proceed to Yxtlahuaca, where he had been appointed Judge (Juez de Letras), he would give in his proposals for the payment of what he owes, for which purpose he would come on Monday to finish the settlement of the account.

[Three Rubrics.]

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*Session of 4th May*, 1846.

Present, Señores Segura, Flores and Bassoco. The previous minutes having been read and approved, report was made of the following communications:

*First.* From the Tribunal of Pachucha, of date 30th ultimo, representing the scarcity of powder in that Mining District.—Resolved, that said communication be transcribed to the Government.

*Second.* From the District of Nieves, of date 25th ulto. in reply to Circular No. 3.—Let the bureau of Fomento report.

*Third.* From that of Bolaños, communicating the new appointment of its President in conformity with the orders of the Government.—Same resolution.

*Fourth.* From the administrator of Morelia, Don José Maria Cortes, apologizing for not having forwarded the accounts of the three per cent.—Let the Comptroller's Office report.

*Fifth.* From Colonel Don Miguel Mosio, representing that although he acknowledges against his Estate of San Sebastian eight thousand dollars owing to Señor Fagoaga, the persons to whom they should be paid have not yet been designated.—Let this communication be transmitted to Señor Fagoaga.

*Sixth.* From Don Eugenio Bermejillo, dated 24th in Morelia, accepting the commission given to him of collecting in that city from Don José Maria Cortes, who had promised him that in 15 days he would render his accounts.

*Seventh.* From His Excellency the Director of the College, inserting the report of the professional Junta (Junta facultativa) of the same, regarding the result of the assay which it made of the specimens of cinnabar remitted by Don Andres Castillero from Californias.—Resolved, that it be transcribed to the Supreme Government, representing that this answer was not received till yesterday, and that reply has been made to Señor Castillero, asking him to point out what kind of protection or assistance he requires to give good effect to his enterprise, and finally informing it of the premiums which have been paid for National Quicksilver extracted in Guadalcazar.

The Maritime Custom House of Tampico transmitted the index of drafts for the three per cent, amounting to four hundred and seventy-nine dollars, eighty-seven cents.—Let the notes be taken up from the Treasury.

There was read a communication from Don Julian de los Reyes, dated 22d ulto., saying that he had been informed that his previous draft for two thousand nine hundred and thirty dollars had been paid, and that he had drawn another for two thousand dollars, which, with two amounting to two thousand five hundred drawn by Don Vicente de Bustos, it is understood

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that no others will be presented than those corresponding to Quicksilver, which may be collected in April, and till the 24th May, when the privilege ceases.—Resolution suspended till hearing the opinion of the bureau of encouragement.

Four communications from Don José Zamora, dated the 2d inst., the first accompanying the tally reports (memorias) number 17, the statements and cash balance sheet No. 4, corresponding to last month.—Let receipt be acknowledged, and notice given to the Comptroller's Office. In the second, he informs that he requires two hundred and fifty dollars for the tally (raya) of the present week.—Understood.—And in the two last he communicates having drawn the drafts Nos. 18 and 19, which were ordered paid.

Information was given of a report from the Comptroller's Office, designating the drafts which belong to the Direction General of Industry, of the last remittance from Vera Cruz, which owes a balance of eight cents.—Resolution in conformity.

Two reports from the bureau of Fomento, in the first of which is recommended that the approval of the Supreme Government be obtained to the act of election of its president, and it was so resolved; and the other, relative to the communication of His Excellency the Governor of San Luis Potosi, transmitting the certificates which prove that the miners of Guadalcazar have extracted nine hundred quintals of Quicksilver.—The bureau was of opinion that payment should be made of the corresponding premium at the rate of five dollars per quintal, being four thousand five hundred dollars, and that the two thousand dollars which belong to Don Basilio Martinez, being indorsed in favor of Don Julian de los Reyes, the draft which he this day gives advice of having drawn for said amount may be paid.—The Junta resolved in conformity, and said draft was ordered to be paid.

[Three Rubrics.]

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*Session of 6th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and the minutes of the 4th having been approved, it was resolved to send an Official letter to his Excellency the Minister of Justice, representing that although the Junta does not believe that it is included in the circular of the 5th inst. which orders the suspension of payment of salaries, nevertheless it desires to be informed whether it should suspend those which it is required to make for the discharge of the administration confided to it by the law passed for the Encouragement of Mines of Quicksilver.

It was likewise resolved to take note of the propositions made

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by the Señor Licentiate Don Diego José Perez Fernandez, to the effect that he will pay monthly, out of his salary as Judge (Juez de Letras) of the District of Yxtlahuaca, the sum of fifty dollars, till he completes the payment of his debt, which, being adjusted, has resulted to amount to one thousand four hundred dollars; the first payment to be made on the 1st July.

Señor Don Andres Castillero appeared and made a verbal report regarding the discovery, denouncement and actual condition of the Quicksilver Mine situated in the Mining District (Mineral) of Santa Clara, in Upper California, inviting the Junta to take shares in the Company which he has formed for working it, with other measures which he requests may be obtained from the Supreme Government for the furtherance of the enterprise. The Junta resolved that Sor. Castillero should present his indications in writing, that the Junta, taking them into consideration, may resolve what may be expedient.

Señor Bassoco was commissioned to correspond with Señor Don Pedro Echevarria, regarding the situating in his Hacienda of Ajuchitlan the three hundred dollars monthly which should be remitted for the support of the Mines of Atargea.

[Three Rubrics.]

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*Session of 7th May*, 1846.

Present the Señores Segura, Flores and Bassoco; and after the approval of the preceding minutes, report was made of the following communications:

*First.* From the Tribunal of Asientos, in reply to the Circular No. 3=Let the bureau of Fomento report.

*Second.* From the agent in Guadalajara, remitting a draft for five thousand two hundred and eighty-one dollars, four rials, three grains, the proceeds of the Mining fund (Mineria) for the month of April=That the draft be accepted, the proper entries made, and receipt be acknowledged.

*Third.* From the agent in Pachuca, of date 5th inst., with another draft for nine hundred and seventy-six dollars, proceeds of said month.=Resolution same as above.

*Fourth.* From the agent in Guadalajara, acknowledging receipt of the communication in which he was informed what was the responsibility of the agents.

*Fifth.* From Messrs Manning and Mackintosh, informing that Don Enrique A. Mackintosh having withdrawn from the collection of the Mining dues in Guadalupe y Calvo, Don Tomas A. Mackintosh remains in his place.=Understood.

*Sixth.* From the Director of the Company of the Mineral del Monte, inquiring about the laws regulating the ownership of

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mines by foreigners.—Resolved, that the communication be transmitted to the advisers (consultores) of the Junta for their report.

The Junta confirmed the understanding of its resolution to pay to Señor Zamora ten dollars per week only until the end of the last week of the last year.

Finally, the account of the rents of rooms belonging to the College, collected during the last month, was presented, and ordered to be passed to the Comptroller's Office.

[Three Rubrics.]

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*Session of 9th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the previous day, report was made of the following Official communications:

*First.* From the Ministry of Justice, of the 7th inst., acknowledging receipt of the statement of receipts and disbursements which had been transmitted to it.

*Second.* From the same, informing that the notice of the scarcity of powder given by the tribunal of Pachuca, had been transmitted to the Ministry of Finance (Hacienda).—Let it be passed to said Tribunal.

*Third.* From the Commissioner at Guanajuato, of date 4th inst., transmitting the answer given by the Administrator of Revenue regarding a certificate which had been asked of him. —Let it be transmitted to the Comptroller's Office.

*Fourth.* From the Direction General of Industry, acknowledging receipt of the last drafts, and informing that the settlement of account is correct.

There was read a report from the Comptroller's Office, relative to the reply which should be made to the excuses alleged by the Administrator of the Revenue at Morelia, Don José Maria Cortes, for not forwarding his accounts, still pending, and the proceeds of the one per cent. which should be on hand in his office.—The Junta resolved in conformity, considering that recourse be had to the Inspectors of said Custom-House, and that Señor Cortes be so informed.

The Treasury reported, that having made application to the General Treasury, by order of the Minister, there had not been delivered to it the last drafts received from Vera Cruz, for four hundred and sixty-nine dollars, eighty-seven cents, nor the one for two thousand and odd dollars from San Blas, for the half of the duty of the average.—Let the notices be annexed to their respective Espedientes, and information of the first be given to the Direction of Industry.



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There were read two reports from the Bureau of Fomento—the first relating to the communication from the Tribunal of Nieves, of 25th ult., in reply to the Circular No. 3 recommending to call for the decree to which it refers, and that information be given of the number of deputies (Suplentes) in said tribunal.—The Junta resolved in conformity. The second informing that, there having been a new election this year for the Tribunal of Santa Rosa, it is not necessary to have another election for any of its members.—The Junta resolved in conformity.

[Three Rubrics.]

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*Session of* 11*th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the 9th, report was made of two communications from His Excellency the Minister of Finance, dated 6th and 8th inst.—the first asking information relative to the moneys paid into the treasury, and the second, relative to the receipts of the same for account of the branches appropriated to the Quicksilver fund.—Resolved that information be given regarding both matters, observing to the Ministry that said communications having been received together on the 9th, at 2 o'clock, P. M., the Junta is engaged in replying in detail to the various matters contained in them.

*Third.* From His Excellency the Governor of Chihuahua, replying that he had called for the information requested of him.—To its Espediente.

*Fourth.* From the Mining Tribunal of Hidalgo, transmitting the report of the proceedings at its installation.—To the Government, if there is no illegality.

*Fifth.* From that of Temascaltepec, transmitting the Certificate of Election of a Deputy.—Let the bureau of Fomento report.

*Sixth.* From the Commissioner at Zacatecas, dated 2d May, remitting a draft for six thousand two hundred and twenty-four dollars, four and a half reals, proceeds of the Mining fund (Mineria) for the last month, and a receipt for twenty-five dollars for the student Ayala.—That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* From the Commissioner at Zimapan, remitting another for one hundred and thirty-six dollars, two reals, five grains, proceeds of the month of April.—Resolved as above, and also that the draft be collected.

*Eighth.* From the Commissioner at Guadalajara, of date 5th inst., advising having placed in the house of Messrs. Manning

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& Mackintosh one hundred and sixty dollars, for account of partial payments made by Señor Garay.=Resolved, that the amount be collected, and that the bureau report regarding payments still pending.

*Ninth.* From Señor Demetrio Montes de Oca, communicating that he has spoken with Don Pedro Anda respecting the inspection of the mine of Clavellinas, and that he will report the result.=To its Espediente.

*Tenth.* Three from Don José Zamora, dated the 9th inst.,—the first transmitting the tally accounts No. 18 (Memorias) of the negotiation of Tasco.=Acknowledge receipt, and transcribe to the Comptroller's Office.=The second, informing that in the present week will be commenced the new work, and that for the tally-roll (raya) he will require three hundred dollars.=Understood.=In the third, he communicates having drawn draft No. 20 for two hundred and sixty dollars.=Let the same be paid.

[Three Rubrics.]

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*Session of* 13*th May*, 1846.

Present, the Señores Segura, Flores, and Bassoco; and after the approval of the minutes of the 11th, report was made of two Official communications from the Ministry of Justice, dated 9th inst., informing of the approval by the Supreme authority of the Certificates of Election of President of the Tribunal of Zacualpan and a Deputy for that of Asientos.=Resolved, that they be transcribed to the respective tribunals.

There was read a communication from Don M. Mariano Cortazar, of date 5th inst., transmitting the tally accounts (Memorias) Nos. 3 and 4 of the mine of Atargea, informing having extracted twenty-three loads of ore, and that he had not received the draft corresponding to the present month.=The Junta resolved, that there be procured a draft for three hundred dollars on Queretaro, drawn in favor of Señor Cortazar, in which resolution Sor. Flores reserved his vote, for the reason that, the Government had been consulted as to whether payments should be made by the branch of Quicksilver, and that in the mean time no payment should be made. It was also resolved, that Señor Cortazar be notified that he must specify in all his accounts the number of loads extracted every week, and that he report the assay made of the quality of the ore whenever there exists any reason to believe that it may have varied.

Lastly: notice was given of a report made by the bureau of Administration, having relation to the monthly payments made by Señor Garay to the Commissioner in Guadalajara, repre-

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senting that the payments have been made in full up to the month of January of the present year, and that the sum of one hundred and sixty dollars, which Señor Blume has received, should be collected, without other discount than the current exchange, and the same be credited to Señor Garay.=The Junta resolved in conformity.

[Three Rubrics.]

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*Session of* 14*th May*, 1846.

Present, Señores Segura, Flores, and Bassoco; and after the approval of the minutes of the previous session, report was made of the following communications:

*First.* From the Ministry of Justice, of date 9th, acknowledging receipt of the Official letter in which was communicated to it the discovery of the mine of Quicksilver in Californias.

*Second.* From his Excellency the Governor of San Luis, dated 9th inst., transmitting certificates showing that there have been extracted from the mines of Trinidad and San Andres seventy-eight quintals of Quicksilver.=Let the bureau of Fomento report.

*Third.* Another from the same, and of the same date, transmitting three certificates showing the extraction of fifty-three quintals of Quicksilver from the mine of San Antonio in Guadalcazar, and it was sent to said Bureau for report.

*Fourth.* From the Tribunal of Sombrerete, dated 5th inst., inserting the resolution of the E. Assembly of Zacatecas that said tribunal do not obey the Supreme order communicated by the Junta relative to the Election of Substitutes (Suplentes.)= Resolved, that it be transcribed to the Ministry, informing it that only in this Department has there been any such resistance.

*Fifth.* From the Tribunal of Jesus Maria, with notice of its installation, and in reply to the Circular No. 3.=Let the bureau of Fomento report.

*Sixth.* From the Commissioner for Collections in San Luis Potosi, remitting a draft for three hundred and fifty-one dollars, fifteen cents, for proceeds of the Mining Fund (Mineria) in the month of April.=That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* Three communications dated 28th April, from the Commissioner in Chihuahua, remitting a draft for seven hundred and seventy dollars, three rials, for proceeds of that city and of Jesus Maria in the month of March—an account which had been asked by the Comptroller's Office.=That the draft be accepted, the proper entries made, receipt acknowledged, and the amount transmitted to the proper Office.

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*Eighth.* From Don Manuel Garcia del Valle, with his resignation of the post of First Copying Clerk in this Office.=Resolved, that it be transmitted to the Supreme Government, recommending that it be accepted.

*Ninth.* From Don Ignacio Rosso, soliciting the appointment to the vacant place of Second Copying Clerk of the same.=Reserved.

Notice was given of a report from the Comptroller's Office, respecting the communication of the Commissioner in Guanajuato, dated 4th inst., relative to the remitting of documents in the Espediente of Señor Robles. The Junta resolved in conformity with everything proposed, with exception of the last indication made in regard to applying to the Treasurer and Administrator of Guanajuato for duplicate of the certificate of payment made by Señor Robles of sixty dollars for the fourth quarter of the loan for the payment of the debt of the United States.

[Three Rubrics.]

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*Session of* 18*th May*, 1846.

Present, Señores Segura, Flores and Bassoco; and after the approval of the Minutes of the session of the 16th, report was made of the following communications:

*First.* From His Excellency the Governor of Jalisco, of date 28th ulto., returning with information the tariff of fees of the Tribunal of Bolaños.=And the Junta, being in conformity with said information, resolved that the same be transmitted with approval to the Supreme Government.

*Second.* From the Governor of San Luis Potosi, accompanying a petition of Don Andres Barroeta, that there be paid to him the premium corresponding to fifteen quintals, one arroba, fifteen pounds, six ounces of quicksilver extracted from the new Almaden and pedernal (flint) in the Durazno.=Let the Bureau of Fomento report.

*Third.* From the Company for restoring (or establishing) El Oro, complaining of the scarcity of powder.=Let it be transcribed to the Supreme Government with recommendation.

*Fourth.* From the Commissioner at Zacatecas, of date 12th inst., acknowledging receipt of the documents remitted to him for the collection of the debt of Señor Llaguno.=To its Espediente.

*Fifth.* From the Commissioner at Guadalupe y Calvo, informing having forwarded the accounts asked of him.=Let the bureau of administration report.

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*Sixth.* From the Second Civil Judge, requesting information regarding the amount to the credit of the Minor Elguea in the dotal fund.—Let the Comptroller's Office report.

*Seventh.* From Don Miguel Quinones, of date 16th inst., requesting that order be given to Señor Zamora to supply him with the amount required to pay the Tribunal of Tasco the costs of the certified copy of the proceedings which the party will show.—Let such order be given.

*Eighth.* From Don José Zamora, five communications dated 16th, transmitting in the first the tally accounts (memorias) number 19.—Acknowledge receipt, and sent to Comptroller's Office. In the second, he notifies that he requires three hundred dollars for the tally (raya).—Understood. In the third, he informs, that of the one thousand two hundred and seventy quicksilver flasks existing in the negotiation, there are only a very few having flaws, and that they ought to be worth three dollars each per piece, as they are valued at two reckoned as iron.—Let this difference be represented to Señor Castillero, and to the Government when his propositions are approved— and transmitting in the two last advice of having drawn the Bill number 21 for the sum of two hundred dollars, and number 22 for one hundred and forty.—Let them be paid.

A petition of Don Tomas Ramon del Moral was read relative to fixing the amount of compensation which he is to receive for the month during which he acted as substitute in the direction of the College, and the opinion which the Bureau of Fomento gave upon the petition pending before the Government being read.—The Junta resolved, that this be transcribed to the Ministry, with a copy of said opinion and of the articles of the law relating to substitutions of the members of the Junta and its officers.

Notice was given of the five following reports of the Bureau of Encouragement (Fomento):

*First.* Relative to the ordering to be paid three hundred and ninety-four dollars, four rials, two and a half grains, to Don Andres Barroeta, for premium on seventy-eight quintals, three arrobas, fifteen pounds, one and a half ounces of quicksilver which he shows he has extracted from the mines of La Trinidad and San Andres in Guadalcazar.—The Junta resolved, that the settlement of this matter be suspended till the resolution of the Government.

*Second.* Relating to the payment of two hundred and sixty-five dollars for premium on fifty-three quintals of quicksilver extracted by Don Demetrio Toscano from the mine of San Antonio in Guadalcazar; and the order in this case was the same as in the former.

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*Third.* Relative to asking from the Supreme Government the ratification of the election of a deputy (suplente) made by the Tribunal of Temascaltepec.—The Junta resolved in conformity.

*Fourth.* Recommending the approval of the election of President, and his substitute, made by the Tribunal of Bolaños, and that the Supreme Government give notice to the members who served the last year to continue in the Office the present year.—The Junta resolved in conformity.—And expressing its opinion in the last, that the Tribunal of Jesus Maria in Chihuahua be called upon to forward the certificate of its installation, that it may elect another substitute if it only has elected two; that the fund be designated to it from which according to law it is to defray its expenses, and that there be remitted to it the documents and information which it has solicited.—The Junta resolved in conformity, with the exception of the transmission of a copy of the mining ordinances.

[Three Rubrics.]

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*Session of 22d May*, 1846.

Present, Señores Segura and Bassoco; and after the approval of the minutes of the session of the 18th, report was made of the following communications:

*First.* Five from the Ministry of Justice, dated 16th, 19th and 20th inst., informing in the first having accepted the resignation of Don Manuel G. del Valle, as first Copying Clerk of this Office.—The Junta ordered it to be transcribed to the party interested. In the second, transmitting for report an Official letter from His Excellency the Governor of Chihuahua, soliciting that there be sent to him the mining ordinances, and that the allowance made to the Secretary and Officers of the Tribunal of Jesus Maria be approved.—Resolved, that the bureau of Encouragement report.

In the third, informing that the certificate of the installation of the Tribunal of Hidalgo del Parrel has been approved. In the fourth, that of the substitute of the Tribunal of Temascaltepec; and in the last, informing of having transcribed to the Ministry of Finance the petition of the Company for restoring the mining district of El Oro relative to the scarcity of powder.

*Second.* From the Tribunal of Ojo Caliente, transmitting the certificate of election of a substitute.—Let the Bureau of Encouragement report.

*Third.* From the Tribunal of Guanajuato, in reply to the report of the Comptroller's Office relative to the account of Clavellinas.—That said Office report.

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*Fourth.* From the President of the Tribunal of Mazapil, dated 5th inst., resigning his office.—Let the same be communicated to the Government with recommendation.

*Fifth.* From the Mercantile Junta of Encouragement of this Capital, transmitting five copies of the balance of last year.—Answer, with many thanks.

*Sixth.* From His Excellency Don Demetrio Montesdeoca, informing that Don Pedro Anda, having the necessary qualifications, and being of unimpeachable integrity, offers to inspect the mine of Clavellinas for a gratuity of two hundred dollars.—That he proceed to make the inspection, and that Señor Montesdeoca draw upon the Junta for said sum.

*Seventh.* From the Inspection General of Offices in the Department of Michoacan, relative to its having demanded the accounts of the suspended Collector of the Custom House, and that it will cause them to be adjusted without delay.—To its Espediente.

*Eighth.* From the Commissioner at Guadalajara, remitting a draft for eight hundred and thirty-seven dollars, one rial, three and a half grains, proceeds of the mining dues for the month of April.—Let the draft be accepted, the proper entries be made, the receipt acknowledged, and order be given to collect the one hundred and sixty dollars of Señor Garay.

*Ninth.* Another of the same, date 15th, informing having received one hundred and sixty dollars from Señor Garay for account of the month from February to May.

*Tenth.* From the Commissioner at Durango, remitting a draft for the sum of one thousand and thirty-eight dollars, seven and a half grains, proceeds of the mining dues of the month of April, and the detailed account of the previous year.—Let the draft be accepted, the proper entries made, the documents transmitted to the Comptroller's Office, and receipt acknowledged.

*Eleventh.* From the Commissioner at Culiacan, dated 1st May, remitting a draft for six hundred and five dollars, two rials, proceeds of Cosala in March.—That the draft be accepted, the proper entries made and receipt be acknowledged.

*Twelfth.* Another from the same, and of the same date, remitting a draft for one hundred and three dollars, seven rials and six-eighths, proceeds from the 20th to the 30th ultimo of the new Assay Office of Culiacan, and the accounts lately called for.—Let the draft be accepted and collected, the proper entries made, and receipt acknowledged.

*Thirteenth.* From Don Manuel Mariano Cortazar, dated 17th inst. at Queretaro, acknowledging receipt of the three hundred dollars which were remitted to him lately, and requesting that he be furnished with the sum necessary to take possession of

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the mine of Providencia.—Resolved, that on account of the late order for the suspension of payments, the Junta will hardly be able to remit the three hundred dollars monthly, according to promise, to maintain the mine, and that the bureau report concerning the accounts transmitted.

*Lastly.* There were read two petitions for the post of Second Copying Clerk in the Office, presented by Don Joaquin Urrutia and Don José Garcia de Arana.—Resolved, that they be kept in reserve.

[Three Rubrics.]

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*Session of 25th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 22nd, report was made of the following communications:

*First.* From the Commissioner for Collections at Guanajuato, dated 22nd inst., with a statement of the silver assayed in the first four months of the present year, the weight of the bars, and the general account of dues.—Resolved, that they be transmitted to the Comptroller's Office.

*Second.* From the Commissioner at Zacatecas, dated 13th, remitting the general account for Zacatecas and Sombrerete, and the same resolution was passed.

*Third.* From the same, dated 18th, remitting a draft for one hundred and seven dollars, two rials and five-eighths, for dues collected in Sombrerete in April.—Let the draft be accepted, the proper entries be made, and receipt acknowledged.

*Fourth.* From the Collector of the Maritime Custom-House at San Blas, informing having given a draft in favor of the Junta for the sum of seventy-five dollars, eighty-six cents, for the half of the duties of the average.—Resolved, that the Treasurer apply for the same at the General Treasury.

*Fifth.* Four communications from Don José Zamora, dated 23d, informing in the first that he requires twelve stampers (almadanetas).—Let them be purchased.—In the second, transmitting the tally account (memorias) No. 20.—Acknowledge receipt, and transmit to the Comptroller's Office.—And the other two, advising having drawn bill No. 23 for one hundred dollars, and No. 24 for two hundred dollars.—Let them be paid.

*Sixth.* An Official letter from His Excellency the Minister of Justice, dated 20th, approving the propositions of Don Andres Castillero, which the Junta had transmitted to the Supreme Government; and informing that he had sent to the Ministry of Government the petition for two square leagues of land (Sitio

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de ganado mayor) as a colonist, upon his mining property.=The Junta resolved, that the proper judicial agreement be drawn up immediately, and that application be made for the draft for the five thousand dollars on Mazatlan or Guadalajara; to which Señor Castillero agreed: and finally, that by the mail of Wednesday the proper orders be sent to Tasco, that the administrator deliver to the order of Señor Don Tomas Razon del Moral all the quicksilver flasks in good condition in the storehouses there, at the rate of two dollars each.

[Two Rubrics.]

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*Session of 26th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after approving the minutes of the session of the 25th, there was read a report of the Comptroller's Office, informing that the instrument, the date of which Señor Macedo wishes to know, was executed before the Notary Don Fernando Tamayo, on the 20th April, 1807.=The Junta ordered that the same be communicated to the Court.

There were read other three reports from the Bureau of Administration; the first relative to the note of 28th ult. of Don Enrique Mackintosh, opining that it is necessary to wait for the account of the weights of bars which has been asked of him.

*Second.* That there be duplicated to Señor Olascuaga, surety for the payment to be made by Señor Lebrija, a resolution relative to the fifty dollars of the month of September next, which he has not remitted; and finally, that Señor Don Diego Moreno be reminded to remit the proceeds of the pearls of Señor Garay which were given to him to sell, or that he return them by some person in whom he can confide.=The Junta resolved in conformity.

[Three Rubrics.[

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*Session of 27th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the session of the 26th, there was read an Official letter of His Excellency the Governor of Michoacan, informing that he had ordered the suspended Administrator of the Revenue to present his pending accounts, and pay over the amount due by him, and that he will communicate the result. =To its Espediente.

There were read three reports of the Bureau of Encouragement—the first recommending that the Supreme Government's

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approval of the election of a substitute of the Tribunal of Ojo Caliente be requested in conformity with the last circular on the subject; and the Junta resolved accordingly.

*Second.* Relating to the recommendation of the Government in regard to a communication from His Excellency the Governor of Chihuahua, requesting copies of the ordinances, and that the thirty dollars per month to the Secretary of the Tribunal of Jesus Maria be approved. The bureau is of opinion that the Government be informed, that as the Junta has no copies of the ordinances, they may be purchased at Zacatecas, where they are sold at twenty rials; and respecting the salary, it be stated that the decree which established said salary has been abrogated, and that fees stated in the tariff only are allowed.= The Junta resolved accordingly.

*Third.* Relative to the last communication from Don Manuel Mariano Cortazar, with the Inventory of the Mine of Atargea. The bureau is of opinion that it be transmitted to the Comptroller's Office for its report; and the Junta so resolved.

[Two Rubrics.]

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*Session of the 28th May*, 1846.

Present, Señores Segura and Rosas; and after approval of the minutes of the 27th, report was made of the four following communications:

*First.* From the Ministry of Justice, dated yesterday, transcribing the communication of the Ministry of Finance of same date, in which it represents that intimation having been received of the blockade of the ports of Vera Cruz and Tampico, it is not to be expected that the remittances of drafts from these Custom Houses will be continued; for which reason the Government directs that the Junta reserve its existing funds for its own expenses and those of the College, suspending for the present all payments for the extraction of Quicksilver.= The Junta resolved that the Bureau of Encouragement report.

*Second.* From the Commissioner at San Luis Potosi, with the account and note of the weight of the bars of silver assayed during the past month.=To the Comptroller's Office.

*Third.* From Don Eugenio Bermejillo, informing that he had obtained from His Excellency the Governor of Michoacan, the order that the suspended Administrator of the revenue there present his accounts within two weeks, after which time a clerk will be employed to make them out at his expense.= To its Espediente.

*Fourth.* From the Messrs. Manning and Mackintosh, dated

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27th, representing that the signature of Señor Garcia Granados is only that of an attorney of Señor Stahlknecht.—To its Espediente.

[Two Rubrics.]

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*Session of 29th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 28th, report was made of a communication from His Excellency Don Francisco Fagoaga, in reply to the last official letter addressed to him, relative to the incumbrance of eight thousand dollars on the estate of San Sebastian.—The Junta resolved, that it shall be reserved, adding it to the Espediente until Señor Rosas shall have acquired some information in the matter.

There was read a report of the bureau of Encouragement upon the communication of the Government, relative to the suspension of payments from the Quicksilver fund. The bureau reports: *First.* That said communication be transcribed to His Excellency the Governor of San Luis Potosi, with reference to the payment of the premiums for quicksilver which it had resolved should be paid; two thousand dollars to Don Timoteo Toscano, two hundred and sixty-five to Don Demetrio Toscano, and four hundred and seventy-one dollars, four rials, eight and a half grains to Don Andres Barroeta, for premiums on National Quicksilver which they have extracted, at the rate of five dollars per quintal; and that if the first sum has not been paid to Don Timoteo Toscano, it was for the reason that he did not make application at the proper time, and the others for the reason that the demand of payment of them was received after the order was communicated for the suspension of payments.

*Second.* That the same order be communicated to Don Manuel Mariano Cortazar, representing to him that if he can do so, he should continue to extract quicksilver to some extent, so as to keep up the working of the mine.

*Third.* That it be transcribed also to His Excellency Don Demetrio Montesdeoca, with the object that he will please order a suspension of the sale of the mine of Clavellinas, but that if by virtue of former resolutions, he should have been at any expense, it shall be refunded to him immediately.

In consequence of the Supreme Government having accepted the resignation which Don Manuel Garcia del Valle made of the post of first copying clerk, in the Secretary's Office, the Junta has resolved, that it be represented to the proper ministry that, according to law, the second copying clerk, Don Man-

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uel Couto, should be promoted to the office; that if the Government so accords, he may be put in possession.

It was also resolved, in conformity with the report of the Comptroller's Office, that twenty-five dollars be paid to the Notary Calapiz for proceedings in the instrument of agreement which had been made with Don Andres Castillero to assist his quicksllver enterprise in the mine of Santa Clara, in Upper California, embraced in the official order for the suspension of all payments for this branch.

[Two Rubrics.]

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*Session of 30th May*, 1846.

Present, Señores Segura, Flores and Rozas; and after the minutes of the 29th, report was made of a communication from the Ministry of Finance, dated 28th inst., in which information is asked relative to whether the two thousand one hundred and twenty-five dollars, ten and a half grains, belonging to the fund of the new prison at Guadalajara are disposable; and the Junta resolved that it be answered immediately, with a short review of the origin of this fund belonging to the quicksilver fund, and that it be indicated, that this business being pending in the Council, the Junta informally deposited said sum in a respectable commercial house, with the condition that it should be refunded in Guadalajara, in the same class of coin in which it was paid, one month after notice being given of its repayment, offering to amplify this information should the Ministry consider it necessary.

The Secretary's Office represented that Señor Don Tomas Ramon del Moral laid before the retiring Junta the petition which he presented, relative to the allowance of salary or gratuity for the time in which he acted as substitute in the direction of the College last year.

Señor Don Joaquin Velasquez, in the name of His Excellency the Director of the College, represented, that requiring in London the sum of one thousand dollars, and understanding that the Junta had some money in the house of Messrs. Baring Brothers, he requested to order that credit should be given to said house for the sum of seventy-two pounds seven shillings and six pence, sterling, for account of some articles ordered from those gentlemen for the College, and that it draw a bill of exchange in favor of said Señor Velasquez for the sum of one hundred and eleven pounds nine shillings and seven pence sterling, in full of one thousand dollars, at the current exchange of forty-four and one-eighth pence.—The Junta resolved that

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the order be given, and that said bill of exchange be drawn to account of the two bills of exchange for five hundred pounds each drawn against said house by Messrs. Manning and Mackintosh on the 30th November of the past year.

[One Rubric.]

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*Session of* 21*st September*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the session of the 18th, report was made of the following communications:

*First.* From the Ministry of Relations, dated 19th, transcribing the Official letter of the Ministry of Finance, in which, according to the indications of the Junta, it informs that the Supreme Government has ordered that the assets on hand belonging to the quicksilver fund continue to be used as had been ordered in the advancement of the College, and asking as a loan from the dotal fund the sum of twenty-five thousand dollars.

Señor Bassoco and Flores were of opinion that it ought to be represented to the Government, that while the Junta acknowledges the urgent necessity that all should contribute to the national defense as far as possible, nevertheless, considering the origin and actual condition of the dotal fund, the Junta does not consider itself invested with sufficient authority from its constituents to employ it in any other object than those which are designated by law; and after an attentive discussion it was so resolved, notwithstanding the remarks made by Señor Segura, who reserved his vote, and gave in a protest which he desired should appear in the minutes, and which he said he should transmit to the Ministry, together with the reply which it was resolved should be sent.

The Junta resolved, in regard to the first, that said protest be inserted in the minutes, and with respect to the second, that Señor Segura, as a member of the Junta, might transmit the communications which he thought proper, but that the Junta could not authorize he might make protests against the resolutions of the majority. Consequently, the protest treated of is the following:—The undersigned, though with regret, is under the necessity of protesting that his opinion differs from that of his worthy colleagues. His opinion is, that in the present penury and afflicting condition of the public treasury, the Supreme Government ought to be furnished with the loan of twenty-five thousand dollars, solicited for the dotal fund, the property of the miners; that there being not this amount on hand, there

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be remitted to the Treasury what there is, and the balance to complete said loan from the first moneys the Junta can dispose of; that he considers it unnecessary, before obeying the order of the Supreme Government, to make to it those very proper observations which operate in favor of the same fund, and of the interests of the Government itself, because, in the wisdom of the Government, the reasons have been weighed, and the balance inclined towards the public weal, when, by the most unjust war, is endangered the most precious of our possessions —the National Independence—have caused it to dictate an order which should be promptly obeyed, with the reservation of manifesting, after having obeyed it, what may be proper. This is his vote, which he desires may be registered in the minutes of the day, and also that the distribution, which is being made, be suspended, so that the money may be dedicated to the loan solicited; and that should such distribution be carried out, it will be understood that he also reserves his vote in said resolution.

Report was then made of an Official communication from the Tribunal of Guanajuato, in which is inserted the petition of Don Ignacio Porter, as one of the persons interested in the sale of the mine of Toro, praying that he be paid three hundred and fifty dollars balance due to him.=The Junta resolved that the Bureau of Encouragement report.

Another from Don Fernando Pohls, dated 18th, with a draft for four thousand nine hundred and fifty dollars, seven rials, one grain, for proceeds of mining dues in the month of August. =Let the drafts be accepted, the proper entries made, and the receipt acknowledged.

From the Commissioner of Pachuca, dated 19th, remitting draft for one thousand five hundred and fifty-nine dollars, one rial, for nett proceeds of mining dues in the past month.=Same resolution as the foregoing.

Finally, another of date 16th inst. from the Commissioner at San Luis, transmitting the account and statement of the weight of bars for the last quarter.=Resolved, to pass it to the Comptroller's Office.

It was resolved, that there should be recorded in the minutes, as the opinion of Señores Flores and Bassoco, the Official letter which was directed to the Supreme Government, which is as follows:

This Junta received yesterday, Sunday the 20th, the Official communication which your Excellency is pleased to address to it of date 19th inst., transcribing that of His Excellency the Minister of Finance of the same date, in which the Junta is informed that His Excellency the General-in-Chief, in exercise

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of the Supreme Executive power, had thought proper to decree, in view of the Official note of date the 12th, that there be given to the fund established for the Encouragement of Quicksilver Mines the destination to which it is directed in favor of public instruction, but that the great penury of the Treasury being so notorious and pressing, the Supreme Government requires, that from the dotal fund a loan be made to it of twenty-five thousand dollars, in the understanding that the payment of the same shall be decreed as soon as possible.

For nothing in the world would the Junta have it thought, for one moment, that it is indifferent to the urgent necessity that all those who appreciate the Mexican Nationality should hasten to assist in its defense in the manner in which each is able, but it also believes that it would betray the confidence which the miners and creditors of the dotal fund placed in its agents, and that it would even make itself unworthy of the respect of the Supreme Government itself, should it not make the remarks which it proceeds to make.

The dotal fund consists of the payment of one rial per mark of eleven pennyweights, and by legal authority this contribution was levied by the mining body on itself for its establishment; and as property belonging exclusively to said body, according to the provisions of the decree, it has administered it through its representatives with entire separation from the public revenues of the State. Under these guaranties, it has solicited and obtained from various persons loans of large sums of money on irregular deposit, with mortgage of the same fund, and these owing at these dates, on capitals or principal sums, upwards of eighteen years of interest. This is what constitutes the debt of the body, and it thus results that the attorney of the creditors is one of the members of the Junta.

This very slight explanation, in our own opinion, is sufficient to prove that the dotal fund is private property, and in this position to be dealt with and taxed like others, without there appearing any reason why it should be subject to any other exactions; and the Government, consequent to these principles, even although it has been comprehended in some contributions, has not exacted any sum from it since 1842, notwithstanding that during the same period it has taken various sums, making in all a large amount, from the Quicksilver fund, which from its nature is national and public property.

Notwithstanding the incolumity of the dotal fund during this time, and the endeavors by which the Junta has procured the improvement of its administration, having established amendments of much importance, the exactions from its funds on former occasions were of such transcendency and pernicious influ-

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ence that it has not been able to recover from the discouragement and prostration to which it was reduced by them.

The mortgage is valid, the administration upright and very economical, but, nevertheless, the value of the credits fell excessively, and this evil has been entirely owing to the cause we have pointed out.

This consideration is what moves the Junta to propose to your Excellency, that the persons and corporations who have capital invested in the funds, may be taxed with other contributions or exactions rather than on their investments here; it being plain, that besides a withdrawal of a portion of these, they would have to experience in future the fatal result of a still greater decline in the value of their credits than that already suffered. The attorneys of the mines and creditors have certainly no other authority over the dotal fund in virtue of the laws for the establishment of this body, than to administer the same, and apply it to the objects which those laws designate; and none of the parties will consider that their agents have fulfilled their duty, did they not present these observations to an enlightened administration like the present. The Junta therefore reiterates, that only the desire of thoroughly fulfilling its duty compels it to express its sentiments in the manner set forth; in other respects, as private individuals, they have contributed, and are disposed to do in the present critical circumstances, whatever the condition of their affairs will allow them. The Junta protests to your Excellency the security of its distinguished consideration and respect.

[Three Rubrics.]

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*Session of 5th November*, 1846.

Present Señores Segura, Flores and Bassoco; and after having read and approved the minutes of the preceding day, report was made of an Official communication from the Ministry of Relations, dated 3d, desiring that in the term of eight days there be transmitted to it an exact account of the proceedings of the Junta since 1845, with the suggestions which may be thought proper.—The Junta resolved, that having in view the annotations of the report made by Señor Castero, said account be transmitted to the Ministry, adding the posterior occurrences up to the present month.

[Two Rubrics.]



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*Session of 9th November*, 1846.

Present Señores Segura, Flores, and Bassoco; and after approval of the minutes of the 5th, report was made of the five following communications from the administrator of Tasco; with the first he transmits the tally accounts, (Memorias,) No. 43, and a ticket for the reduction of ores on shares, (or toll).=Let the receipt be acknowledged, and transmit to the comptrollers office. In the second, informs that he will remit the bars to Cuernavaca on Tuesday of the present week.=Understood. In the third, that the last five hundred loads of ore of La Trinidad had been reduced; that the working had been increased by two working parties, and that he required five hundred dollars for the present week.=Understood.=In the two last he informs that he has drawn two bills, Nos. 72 and 73, one for four hundred dollars and the other for one hundred dollars.

Beginning was made of the reading of the report, (Memoria,) to be presented to the Government, and the two chapters relating to the Office and to Mining Tribunals were approved; and it was resolved that an official letter be addressed to Señor Otero, inquiring of him the condition of his work upon Mining legislation.

There was read an Official communication from the Collector of the Maritime Custom-House of Vera Cruz, dated 2d, in which he informs that he has not been able to procure from the drawer of the bill No. 884, which was protested, another in its place, and that consequently he had given notice of this affair on the 10th September, and would give further notice of the result.=Notify the Comptroller's Office, and to its Espediente.

Another from Don José Joaquin de Rosas, dated the 5th, informing that he has notified his Clerk, Don Antonio Gutierrez, of Cuernavaca, to receive the bars to be sent to him from Tasco, and that he will give notice of the cost of the six arrobas of powder which he sent to the same negotiation.

Another from Don Cayetano Buitron, dated the 5th, remitting one thousand three hundred and sixty-two dollars, nine grains, the proceeds of Mining dues for the last month.=Acknowledge receipt, and transmit to the Comptroller's Office, that the proper entries may be made.

Another from Don José Zamora, dated the 2d, ordering that by the muleteer, José Apolonio, there be remitted to him the ten quintals of Quicksilver, and the same quantity of Sulphate, which he has asked.=Order that they be delivered.

From Don Manuel Mariano Cortazar, dated at Rio Blanco the 25th ulto., transmitting the last tally account (memoria) of the mine of Atargea.=To the Comptroller's Office, and notify

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ing that Señor Rule is prepared to execute the bond for the value of the effects delivered to Cortazar at said mine, and claiming the charge made for the watchman of the mine in nine weeks, requesting that there may be remitted by draft the entire sum of ninety-eight dollars, six rials, amount of the memoria.=The Junta resolved, that Señor Rule be informed, that if he is to be in Mexico shortly, he can execute the bond there, but if he has to delay his coming he may execute it before the authorities of that mining district, or appoint an attorney. That an Official communication be addressed to Señor Segura to deliver the former Official letter, and obtain the answer of Señor Rule. That Señor Cortazar be notified to appoint his attorney to sign the instrument; that the Junta cannot, according to the agreement, allow the watchman to be paid for nine weeks, but only for three, and that it being difficult to procure a draft, there be paid to him the amount of the memorias less the thirty-six dollars of such charge, to the commissioner whom he may send when he comes to sign.

[Two Rubrics.]

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*Session of* 13*th November*, 1846.

Present Señores Segura, Flores and Bassoco; and after aving approved the minutes of the 11th, it was resolved, that there should be paid at once the balance of the three thirds of the contributions from houses for the part belonging to the College.

[Two Rubrics.]

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*Session of* 16*th November*, 1846.

Present Señor Segura, Flores and Bassoco; and after having approved the minutes of the 13th, report was made of the following communications:

*First.* From the Commissioner at Guanajuato, remitting a draft of five thousand six hundred and thirty-nine dollars, seven rials, proceeds of Mining dues for the month of October.

*Second.* From the Commissioner of Zacatecas, remitting another draft of four thousand one hundred and forty-five dollars, two rials and nine grains for the dues of said month.

*Third.* From the Commissioner of Durango, with another for one thousand three hundred and forty-nine dollars, forty-four cents, corresponding to the same period.

*Fourth.* From the Commissioner of Zimapan, dated 1st November, with another draft for three hundred and seventy-three dollars, corresponding to the previous month.=That said drafts

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be accepted, the proper entries made, and the receipt of the same be acknowledged.

*Fifth.* From the Commissioner at Zacatecas, remitting another draft for one hundred and twenty-three dollars, six rials, three grains, proceeds of October in Sombrerete.

And last: another transmitting the balance sheet and detailed account of the sums collected for Mining dues in that city in the second third of the present year.—Acknowledge receipt, and transmit to the Comptroller's Office.

The reading of the report, which was continued on the previous days, having been finished, the same was approved; and it was resolved to direct also to the Supreme Government an Official communication requesting that the Ministry of Finance transmit the respective orders to the effect, that so soon as the blockade is raised, the Custom-Houses of Vera Cruz and Tampico remit directly the corresponding drafts in favor of the Junta, giving authority to the Junta to negotiate a loan for the purpose of defraying the expenses of the College and the most urgent expenses of the branch of quicksilver; resolving, finally, that the President convey said communication to the Minister, that it may be promptly dispatched.

[Two Rubrics.]

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*Session of 5th December*, 1846.

Present Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 2d, report was made of the two following communications:

From the Ministry of Relations, dated yesterday: in the first, acknowledging receipt of the information sent to it for insertion in the report, and authorizing the Junta to procure, on the most favorable terms possible, the sum required to defray the expenses of the College, and the salaries assigned to the Quicksilver fund, with mortgage of this fund, in the understanding that the proper orders have been issued; that immediately so soon as the blockade of Vera Cruz is raised, there shall be remitted directly to the Junta drafts for the three per cent. of importation duties to the amount of eighty thousand dollars per annum; adding, also, that in the case said loan is not promptly obtained, the Junta furnish the amounts required from the Dotal fund, to be repaid by the Quicksilver fund, out of which it shall be reimbursed so soon as any money is received from the Custom-Houses or the proposed loan is contracted.

Señores Flores and Bassoco represented that the destination of the Dotal fund being predetermined, the Junta has no authority to apply it to other purposes, nor as a loan.

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Señor Segura said, that the Government having power to dictate this measure, he was of opinion that the order should be obeyed, that said loan should be diligently sought for without delay, taking care that the proper orders can be obtained for the remittance from the port of Tampico of the drafts for fifty thousand dollars per annum, so soon as it is liberated from the Anglo-American invasion. Consequently, the majority of the Junta resolved, that an answer be given to the Government in the terms indicated by Señores Flores and Bassoco; and Señor Segura requested that his vote be recorded in the minutes, adding, that he would explain the reasons on which it was founded, and that he would transmit the same to the Government.

The second Official communication confines itself to exciting the zeal of the Junta to use every effort for the purpose of obtaining for itself the loan of the two millions of dollars for the purchase of Spanish quicksilver, for which it was empowered by the decree of the 17th February, 1843; and it was resolved that this matter be considered on Monday next.

[Three Rubrics]

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OFFICE OF THE SECRETARY OF THE ADMINISTRATION OF THE MINING FUND.

I, Manuel Couto, Secretary of the Administration of the Mining Fund of this Capital, and in charge of the Archives of the same Office, in virtue of the decree of the 28th June, 1852, do certify, that there exists and forms part of the Archives of this Office, a bound book, which consists of 142 leaves that are numbered, on the first side only, from 1 to 142 inclusive, and are full of the Minutes of the sessions of the Junta for the Encouragement and Administration of Mining, from 2d April, 1846, to 30th June, 1847, entitled "Book Third of the Minutes from 2d April, 1846, to 30th June, 1847."

I certify moreover, that the Minutes of the Session of the month of April, 1846, begin on the front of the 2d leaf, and end on the reverse of the 17th; that the Minutes of the month of May, 1846, begin on the front of the 18th leaf, and end on the front of the 31st, at the top; that the Minutes of the month of September, 1846, begin on the reverse of leaf 60, and end on the reverse leaf, 68, at the top; that the Minutes of the month of November, 1846, begin on the reverse of leaf 76, and end on the reverse of leaf 82; that the Minutes of the month of December, 1846, begin on the front of leaf 83 at the top, and end on the front of leaf 90.

I also certify that the preceding and annexed page, marked

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by me number 1, with red ink, is a true and exact traced copy of the superscription (caratula) on said book; that the preceding and annexed page marked by me with red ink "2," is a true copy of the front of the first leaf of the said book; that the preceding and annexed pages marked by me with red ink, from 3 to 44, inclusive, are a true and exact copy, or traced copy on transparent paper, of the Minutes of said Junta, as they appear in said book, of the session of the 23d April, 1846; of all the sessions of the month of May; of the session of the 21st September; of the sessions of the 5th, 9th, 13th and 16th November, and of the 5th December, of the said year 1846.

I certify in like manner, that on the leaves hereto annexed and marked by me with red ink, from 1 to 44, inclusive, as aforesaid, the numbers are truly copied or traced as they appear in said book on the leaves which contain the Minutes of the aforesaid sessions.

I finally certify, that on leaves 1 and 142, of said book, there is a seal of the Sealed Paper Office, which does not appear on the traced copy of the first page, because the seal is stamped upon the pages without the use of ink or color of any kind.

In testimony whereof, I give the present at the City of Mexico, this 30th March, 1859.

MANUEL COUTO,
Secretary.

—

I, Vicente Segura, Administrator of the Mining Fund, do certify, that Don Manuel Couto, whose name appears on the foregoing certificate, is Secretary of this Administration, and in charge of the Archives of said office of Mineria, to the Archives of which belongs the said book, which is entitled, "Book Third of Minutes from 2d April, 1846 to 30th June, 1847;" that said Couto is in the exercise of the office of Secretary at the date of his certificate, that his signature is true and deserving of full faith and credit.

In testimony whereof, I give the present under my signature and the seal of this office, at the City of Mexico on the 30th March, 1859.

[SEAL.] VICENTE SEGURA.
[Rubric.]

—

The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, certifies, that Don Vicente Segura and Don Manuel Couto are, the former Administrator, and the latter Secretary of the same Adminis-

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tration, of the Mining Fund, which is under the inspection of this Ministry. He likewise attests that the Archives of said office are in charge of the Secretary; and, finally, that the signatures appearing at the end of the two foregoing certificates are those used by those gentlemen, and that the seal affixed to their certificates is the true seal of the office in which they are employed.

In testimony of the foregoing, I give the present, signed by me, and sealed with the seal of the Ministry, at the city of Mexico, on the thirty-first of March, eighteen hundred and fifty-nine.=In parenthesis, -eight—wrong.

[SEAL.] P. ALMAZAN.

[One Rubric.]

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José Miguel Arroyo, honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify, that Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, of said Republic, and the foregoing signature is his, which he uses in documents authenticated by him.

[SEAL.] J. MIGUEL ARROYO.

[One Rubric.]

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## TRANSLATION OF EXHIBIT BASSOCO No. 7.

OFFICE OF THE SECRETARY OF THE MINING JUNTA. } 1846

No. 168.

Don Andres Castillero solicits aid for the Encouragement of the Quicksilver Mine which he has discovered at the Mission of Santa Clara, in Upper California.

—

BUREAU OF FOMENTO QUICKSILVER:

Excellent Sir:—Señor Don Tomas Ramon del Moral having presented to the Junta some specimens of Cinnabar from the Mission of Santa Clara, in Californias, which Don Andres Castillero sends, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise, it has the honor of

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transmitting to your Excellency said specimens, with the view that the proper assays of the Cinnabar be made in the laboratory of that College, being pleased to let the Junta know the result as soon as possible.

And with this motive the Junta has the honor to repeat to your Excellency the protestations of its consideration and esteem.

God, &c. April 21, 1846.

To His Excellency, General Don José M. Tornel, Director of the National College of Mining.

[One Rubric.]

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California for a purpose of the public service, tells me, in letters written from the Mission of Santa Clara on the nineteenth and twenty-second of February, of this year, what follows:

"At the distance of five leagues from this Mission, to the west, I have discovered and denounced a very abundant mine of Quicksilver, and to confirm my truth, I send you some pieces of those which have been taken from the top of the vein; a little Quicksilver also goes, of that which we took out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ore taken out, within one year, with the protection of the Supreme Government, the Republic will not need quicksilver from abroad. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coasts of the Bay of San Francisco, so that the steamers, sending out their boats, may load all that they require: this discovery was made by Colonel Don Juan B. Alvarado: the rock crystal is a very large hill."

This is a copy. Mexico, April 13, 1846.

J. J. DE HERRERA.

—

Señor Director of the College of Mining, Don Ramon del Moral.

MISSION OF SANTA CLARA, February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how

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devoted I am to the branch of mining, and intent upon finding a good mine of Quicksilver: I have discovered a most abundant deposit. With this I send to His Excellency, the President, some pieces of Cinnabar, and a little Quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touch-hole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all the family retain good health; and, as much as you please, command

Your obedient servant, &c. &c.,

ANDRES CASTILLERO.

[Rubric.]

—

DIRECTION OF THE NATIONAL COLLEGE OF MINING.

Sōr Don Tomas Ramon del Moral, President of the Junta of Encouragement of the National College of Mining, in an official communication of the 24th ultimo, said to me what follows:

Received the 3d day of this present May.
V. SEGURA.
[Rubric.]

"Excellent Sir:—The Junta Facultativa having examined the documents which your Excellency referred to on the 21st of the present month, relative to a deposit of Cinnabar discovered in California by Señor Don Andres Castillero, and another of Coal in the Bay of San Francisco, has the honor to inform your Excellency, that the specimens sent by said Castillero were already deposited, some in the Mineralogical Cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera. The assay gave a ley of thirty-five and a half per cent., a mixture of the different specimens having been taken to make the assay, for there are some so rich that they are pure Cinnabar. The Junta believes that Señor Castillero has, by such an important discovery, made himself worthy of the efficacious protection of the Supreme Government, and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the effect that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country. And with this motive I repeat to your Excellency the considerations of my esteem and respect."

May 4th, 846.
Let it be transmitted to the Government, manifesting that the communication was only received yesterday.

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And I have the honor to transmit it to your honors as the result of your dispatch on the matter.

God and Liberty. Mexico, April 29, 1846.

JOSE MARIA TORNEL.

To the President and Members of the Junta for the Encouragement of Mining, of the National College of Mining.

—

Excellent Sir:—Professor Don Tomas Ramon del Moral, having presented to this Junta some specimens of Cinnabar from the Mission of Santa Clara, in Upper California, which Don Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise; it immediately sent said specimens to his Excellency, the Director of the College, that the proper assays might be made. His Excellency, in an official communication of the 29th of last month, received yesterday, says to it what follows:

"Excellent Sir, &c., &c., to, on the matter."

The Junta, on inclosing the foregoing communication to your Excellency, has the honor to inform you that it has already asked Señor Castillero what kind of aid or protection he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery, which, if it meets at its commencement with all the protection it deserves, may change completely the aspect of our mining, freeing it from the necessity, which it has been in until now, of foreign quicksilver. With this motive the Junta avails itself of the opportunity to inform your Excellency that, as on the 24th of this month, the bounty terminates which the law granted, of five dollars premium on each hundred weight of quicksilver extracted from the mines of the nation, the miners of Guadalcazar have proved to date that they have taken out 1575 quintals from December, 1844, to the end of March last, which result exceeds the calculation, which, until now, has been made, that the product of this mineral was a hundred quintals per month.

The Junta, with this motive, reiterates to your Excellency the assurance of its distinguished consideration and esteem.

God, &c. May 5th, 1846.

To His Excellency the Minister of Justice.

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No. 573.

Communicates information of the discovery of a deposit of Cinnabar in the Presidio of Santa Clara, in Upper California, the assays of which have produced the highest ley ever seen, and with this motive communicates the result of the quantity of Quicksilver extracted until the end of March in Guadalcazar.

—

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

Most Excellent Sir:—By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, His Excellency, the President *ad interim* of the Republic, learns with satisfaction that in the Mission of Santa Clara, of Lower California, Señor Don Andres Castillero has discovered a deposit of cinnabar of excellent quality, according to the assays made in that College, and that Señor Castillero has already been asked by that Junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency in like manner learns that which the Junta reports relative to the quantity of Quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculation which had been made. This is what I have the honor to say to your Excellency in answer, repeating to you with this opportunity the assurances of my consideration and esteem.

God and Liberty. Mexico, May 9, 1846.

BECERRA.
[Rubric.]

His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining.

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JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 575.

Accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California.

Most Excellent Sir:—As this Junta had the honor to inform your Excellency on the 5th instant in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith to your Excellency, regarding the assistance which he needs for the new discovery of the quicksilver mine at the Mission of Santa Clara, in the Department of Californias. The Junta has no hesitation in recommending said petition

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to your Excellency, for, being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that Department, and the just desire which his Excellency, the President, has shown to preserve the integrity of the national territory, render it worthy of the greatest consideration. The Junta is consequently of opinion that there should be immediately furnished to Señor Castillero the sum of five thousand dollars, on the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars, which can be employed in the construction of retorts, cylinders, and other small apparatuses of distillation for said mine.

Although the law authorizing the Junta to make loans for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it is indubitable that the proposal of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the Junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The urgency shown by Señor Castillero to accomplish his journey to that Department, and what his so doing may contribute, under present circumstances, toward the preservation of the national territory, is, in the opinion of the Junta, a more than sufficient motive to leave, until a more opportune occasion, the formation of a contract of partnership, or of "avio" for the encouragement of said mine. It remains, then, to state to your Excellency that although the possession given to Señor Castillero, by the local authorities of California, has not been in conformity with the ordinance, inasmuch as there have been granted him "pertenencias," to the extent of three thousand varas, which are equivalent to fifteen "pertenencias," according to the second article of the eighth title; yet it is necessary to consider that he has in his favor the qualification of being discoverer *of an absolutely new hill, in which there was no mine open*, to whom there is granted in the first article of the sixth title, *three "pertenencias," either continuous or interrupted; and if he shall have discovered other veins, one ("pertenencia") in each of them.* He has also in his favor the circumstance that he works it in company, to which there is granted that without prejudice to the right which they may have by the title of discoverer, when they are such, they may denounce four new "pertenencias," even though they are contiguous and in the same direction; but what is most worthy of consideration is, that Californias, being a frontier Department, and frequently threatened by the emigrants from the United

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States of the North, and by the new colonists of Oregon, it seems proper to grant to the first mine discovered in a Department so extensive, a greater number of "pertenencias," which view is corroborated by the reason found at the end of the eighth title, article 1st, which says, "Considering that the limits established in the mines of these kingdoms, to which those of New Spain have, until now, been made to conform, are very contracted in proportion to the multitude, abundance and richness of the metallic veins which the goodness of the Creator has been pleased to grant to those regions, I order and command that in mines which may hereafter be discovered in the new vein, or without neighbors, these measurements be observed. 2d. Along the thread, direction, or course of the vein, be it of gold, silver, or any other metal, I grant to every miner without distinction of the discoverers, (who have their reward already assigned to them,) two hundred Castilian varas, called 'varas de medir,' measured on a level." Lastly, in the first article, eleventh title, it expresses itself in these terms: "And because the capital of a single individual not being sufficient for great undertakings, while that of all the partners may be, I will and command that such companies be encouraged, promoted and protected by all suitable measures, my Viceroy granting to those who may form such, every favor, aid, and exemption which can be granted them according to the judgment and discretion of the Royal Tribunal of Mining, and without detriment to the public, or to my royal treasury." In reference to the ownership of two square leagues, which Señor Castillero solicits as a colonist, upon the surface of his mining property, for the purpose of supplying himself with the firewood necessary for the reduction of ores, (beneficio,) the Junta not having the necesary information on the matter, of which the Supreme Government has abundance, His Excellency, the President, will decide as he may think proper. In this view, on sending up to your Excellency the petition of Señor Castillero, this Junta has no hesitation in recommending it very efficaciously, on account of the vital importance of the undertaking, its incredible influence upon the general good and prosperity of the Republic. The Junta has the honor, on this occasion, to repeat to your Excellency the assurance of its distinguished esteem and consideration.

God and Liberty. Mexico, May 14, 1846.

His Excellency, the Minister of Justice and Public Instruction.

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I, Andres Castillero, resident and miner in the Department of Upper California, before your Excellency and your Honors, as I best may proceed, say: that having discovered in the Mission of Santa Clara a mine of Quicksilver, of *leys* certainly so rich, that the like were never seen before, not only in the Republic, but perhaps in the world, as proved by the assays made by order of the Junta Facultativa of the College of Mining, which, mixing together all the specimens I brought, from the best to the worst, have given a result of thirty-five and a half per cent.; while, there have been specimens of the best kind which must produce much greater *leys*, I see myself in a condition to satisfy my desires in favor of the progress of my country, of benefiting exclusively Mexicans, by realizing the flattering and well founded hopes which such a discovery offers. In virtue of this, I have denounced and taken possession not only of said mine, named Santa Clara, but also of an extent of three thousand varas in all directions from said point. I have formed a company to work it. I have constructed the pit, and complied with all the conditions prescribed by the ordinance; the mine yielding ore with the notable circumstance that the specimens which I brought, and which have been assayed, have been taken out of the mouth. It would have been very easy for me to have given the necessary extension to the negotiation by accepting the repeated and advantageous offers which have been made to me by several foreign houses in California; but the undertaking does not require that kind of assistance, which would result in advantage to foreigners, when it may be entirely national; and I have not, for that reason, hesitated to apply to your Excellency and your Honors, to obtain the small and only resources which I need. These are reduced to a small advance of five thousand dollars in money, in consideration of the excessive scarcity of coin in that Department, and the quick remittance to it of retorts, cylinders, and other small distilling apparatus, as also iron flasks, for bottling up the quicksilver. I would have proposed a contract of partnership to the Junta, an "avio," or any other agreement, if I had time to be able to furnish the data and details which would be required for said contracts, but being under promise to the Supreme Government to leave this capital within a few days, I find it necessary to restrict myself to that which appears to present no difficulty, and which may open a way to new future agreements; I am well persuaded that the Junta will accede to my request so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation that which may require the decision of the latter. My propositions, then, are the following:

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*First.* The Junta, in the act of approving the agreement, will give me a draft for five thousand dollars on some mercantile house in Mazatlan.

*Second.* On my part, I bind myself to place in said port, within six months after leaving it, fifty quintals of quicksilver, at the rate of one hundred dollars each, which I will send from the first taken out, with absolute preference over every other engagement.

*Third.* The Junta will order that there be placed at my disposition, before my departure from the capital, the eight iron retorts which it has in its office, and all the quicksilver flasks which can be found in the *negociacion* of Tasco, which are fit for use; and lastly, it will deliver to Señor Don Tomas Ramon del Moral, my attorney, the sums to pay for the retorts, cylinders, and other kinds of small apparatus which may be ordered to be made for the *negociacion*, to the amount of one thousand dollars.

*Fourth.* I will receive the retorts of the Junta at cost price, and the flasks which I may select at two dollars apiece, agreeably with their valuation.

*Fifth.* The ascertained value of said retorts and flasks, and that of the sums which may be delivered to Señor Moral, I will repay in the term of one year from this agreement, and also the premium on the draft on Mazatlan, in quicksilver, placed in said port at the price of one hundred dollars the quintal; but if the Junta should wish to take one or more "acciones" in the mine, it shall be left as a part payment of the sum corresponding to one or more "barras."

*Sixth.* While the company is being formed, during the period of one year, counted from the date on which this agreement shall be approved, and the five thousand dollars spoken of in the first proposition being paid, I will give the preference to the Junta in the sale of the quicksilver placed in Mazatlan, at the rate of one hundred dollars the quintal.

*Seventh.* The Junta shall represent to the Supreme Government the necessity of its approving the possession which has been given me of the mine by the local authorities of Californias, in the same terms in which I now hold it.

*Eighth.* It shall also represent the advantage of there being granted to me, as a colonist, two square leagues upon the land of my mining possession, with the object of enabling me to use the wood for my burnings.

*Ninth.* For the compliance of this contract, I pledge the mine itself, and all its appurtenances.

The subscriber submits this petition to the deliberation of

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the Junta, which, if accepted, may be made into a formal contract, and made legal in the most proper manner.

God, &c. May 12th, 1846.

ANDRES CASTILLERO.

This is a copy. MEXICO, May 12th, 1846.

YSIDRO R. GONDRA.

—

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

MOST EXCELLENT SIR:—Having reported to His Excellency, the President *ad interim*, Your Excellency's note of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California: His Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to have him issue the proper orders respecting what is contained in the 8th proposition, relative to the grant of lands in that Department.

I repeat to Your Excellency the assurance of my esteem.

God and Liberty! MEXICO, 20th May, 1846.

BECERRA.

To His Excellency, D. Vicente Segura, President of the Junta for the Encouragement of Mining. [Rubric.]

—

OFFICE OF THE SECRETARY OF THE ADMINISTRATION OF THE MINING FUND.

I, Manuel Couto, Secretary of the Administration of the Mining Fund of this capital, and in charge of the archives of the same office, in virtue of the Decree of 28th June, 1852, do certify: That the foregoing twenty-four pages, numbered by me from one to twenty-four, inclusive, of transparent paper, are a true and exact copy or traced copy of an expediente which exists and forms a part of the archives of this office, entitled "Secretary's Office of the Mining Junta, 1846. Number 168. Don Andres Castillero solicits aid for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California. Bureau of Encouragement. Quicksilver."

In testimony whereof, I give the present, under my hand, this 10th March, 1859.

[SEAL.] MANUEL COUTO, Secretary.

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I, Vicente Segura, Administrator of the Mining Fund, do certify: That Don Manuel Couto, whose name appears in the foregoing certificate, is Secretary of this Administration, and in charge of the archives of said office of Mineria, to which archives belongs the aforesaid expediente; that said Couto is in the exercise of the office of Secretary at the date of his certificate; that his signature thereto is true, and deserving of full faith and credit.

In testimony whereof, I give this present, under my hand and the seal of this office, in the city of Mexico, the 10th March, 1859.

[SEAL.] VICENTE SEGURA.

—

[SEAL.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, do Certify: that Don Vicente Segura and Don Manuel Couto, are, the former Administrator, and the latter Secretary of the same Administration of the Mining Fund, which is under the inspection of this Ministry: He likewise attests that the archives of said office are in the charge of the Secretary, and finally, that the signatures appearing to the two foregoing certificates are those used by those gentlemen, and that the seal affixed to their certificates is the true seal of the office in which they are employed.

In testimony of which, I give this present, signed by me, and sealed with the seal of the Ministry in the city of Mexico, on the 11th March, 1859.

[SEAL.] P. ALMAZAN.

—

No. 51.

[SEAL.] José Miguel Arroyo, honorary Intendent of the Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify: That Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, of said Republic, and the foregoing signature is his own, which he uses in documents authenticated by him.

Mexico, March 12th, 1859.

[SEAL.] J. MIGUEL ARROYO.

[Dues 4 dollars.]



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No. 107. CONSULATE OF THE U. S. OF AMERICA,

Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J. folio 51.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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## TRANSLATION OF EXHIBIT BASSOCO, No. 8.

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION. } Year 1846.

The Junta for the Encouragement of Mining informs that Don Andres Castillero has discovered at the Mission of Santa Clara, in Upper California, a deposit of cinnabar, of excellent quality, and accompanies the petition of said person, in which he solicits supplies (avio) for the working of said mine.

—

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING. }

No. 573.

Communicates the discovery of a deposit of Cinnabar, made at the Presidio of Santa Clara,

Most Excellent Sir:—Professor Don Tomas Ramon del Moral having presented to this Junta some specimens of Cinnabar from the Mission of Santa Clara, in Lower California, which Don

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in Lower California, the assays of which have yielded the highest ley known, and with this motive communicates the result of the quantity of quicksilver extracted until the end of March in Guadalcazar.

May 9th, 1846.

Noted with satisfaction the discovery, and of having asked already of Señor Castillero the kind of resources he requires.,

Noted, also, the statement given of the Quicksilver extracted by the miners of Guadalcazar.

Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise; said specimens were immediately sent to his Excellency, the Director of the College, that the proper assays might be made. His Excellency, in an official communication of the 29th of last month, received yesterday, says what follows: "Señor Don Tomas del Moral, President of the Junta Facultativa of the National College of Mining, in an official communication of the 24th ult., says to me what follows:

'Most Excellent Sir,—The Junta Facultativa having examined the documents which your Excellency sent to it on the 21st of the present month, relative to a deposit of Cinnabar discovered in California by Señor Don Andres Castillero, and to another of Coal on the Bay of San Francisco, has the honor to inform your Excellency that the specimens sent by said Señor Castillero, were already deposited, some in the Mineralogical Cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera. The assay gave a ley of thirty-five and a half per cent., a mean of the different specimens having been taken to make the assay, for there are some so rich that they are pure Cinnabar. The Junta believes that Señor Castillero has, by such an important discovery, made himself deserving of the efficacious protection of the Supreme Government, and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the end that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country.'

"And with this motive I repeat to your Excellency the considerations of my esteem and respect. And I have the honor to transmit it to your Excellencies, as the result of your dispatch on the matter."

The Junta, on inclosing the foregoing communication to your Excellency, has the honor to inform you that it has already asked Señor Castillero what kind of aid or protection he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery, which, if it meets at the beginning with all the protection it deserves, may change completely the aspect of our mining, freeing it from the necessity in which it has been until now, of foreign quicksilver.

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With this motive, the Junta avails itself of the opportunity to inform your Excellency that, as on the twenty-fourth of this month, the bounty terminates which the law granted, of five dollars premium on each hundred weight of quicksilver extracted from the mines of the nation, the miners of Guadalcazar have proved that they have taken out one thousand five hundred and seventy-five quintals, from December, eighteen hundred and forty-four, to the end of March last, which result exceeds the calculation, which, until now, has been made, that the product of this Mining District was one hundred quintals per month. The Junta, on this occasion, reiterates to your Excellency the assurance of its distinguished consideration and esteem.

God and Liberty. Mexico, May 5, 1846.

VICENTE SEGURA,
President.
[Rubric.]

The Secretary being occupied,

YSIDRO R. GONDRA, First Clerk.
[Rubric.]

To His Excellency, the Minister of Justice.

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me, in letters written from the Mission of Santa Clara on the nineteenth and twenty-second of February, of this year, that which follows:

"At the distance of five leagues from this Mission, to the west, I have discovered and denounced a very abundant mine of Quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little Quicksilver also goes, which we have taken out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ore taken out, within one year, with the protection of the Supreme Government, the Republic will not need quicksilver from foreign parts. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coast of the Bay of San Francisco, so that the steamers, sending out their boats, may load all that they require: this discovery was

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made by Colonel Don Juan B. Alvarado: the rock crystal is a very large hill."

Copy. Mexico, April 13, 1846.

J. J. De HERRERA.

—

Señor Director of the College of Mining, Don Ramon del Moral.

Mission of Santa Clara, February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining; and intent upon finding a mine of Quicksilver, I have discovered a most abundant deposit. With this I send to His Excellency, the President, some ores of Cinnabar, and a little Quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touch-hole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all your family retain good health; and, as much as you please, command

Your obedient servant, &c. &c.,

ANDRES CASTILLERO.

Copies. Mexico, 5th May, 1846.

Ysidro R. Gondra, Chief Clerk.

[Rubric.]

—

Most Excellent Sir:—By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, His Excellency, the President *ad interim* of the Republic, learns with satisfaction that in the Mission of Santa Clara, of Lower California, Señor Don Andres Castillero has discovered a deposit of Cinnabar, of excellent quality, according to the assays made in that College, and that Señor Castillero has been asked by that Junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency is likewise informed of that which the Junta reports relative to the quantity of Quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculations which were made. This is what I have the honor to say to your Excellency in answer, repeating to you with this opportunity the assurance of my consideration and esteem.

God, &c., Mexico, May 9, 1846.

His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining.

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JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 575.

Accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California.

May 20, 1846.

Granted in the terms which are proposed; and with respect to the land let the corresponding order issue to the Minister of Relations, for the proper measures of his office, with the understanding that the Supreme Government accedes to the petition.

[Rubric.]

Most Excellent Sir:—As this Junta had the honor to inform your Excellency on the 5th instant, in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith regarding the assistance which he needs for the new discovery of the quicksilver mine at the Mission of Santa Clara, in the Department of Californias. The Junta has no hesitation in recommending said petition to your Excellency, for, being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that Department, and the just desire which His Excellency, the President, has shown to preserve the integrity of the national territory, render it worthy of the greatest consideration. The Junta is consequenly of opinion that there should be immediately furnished to Senor Castillero the sum of five thousand dollars, in the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars which can be employed in the construction of retorts, cylinders, and other small apparatuses of distillation for said mine.

Although the law authorizing the Junta to make loans for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it is indubitable that the proposal of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the Junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The urgency shown by Señor Castillero to accomplish his journey to that Department, and what his so doing may contribute, under present circumstances towards the preservation of the national territory, is, in the opinion of the Junta, a more than sufficient motive to leave, until a more opportune occasion, the formation of a contract of partnership, or of "avio" for the encouragement of said mine. It remains, then, to state to your Excellency that, although the possession given to Señor Castillero, by the local authorities of California, has not been in conform-

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ity with the ordinance, inasmuch as there have been granted him "pertenencias" according to the second article of the eighth title, yet it is necessary to consider that he has in his favor the qualification of being discoverer *of an absolutely new hill, in which there was no mine open*, to whom there is granted in the first article of the sixth title, *three "pertenencias," either continuous or interrupted; and if he shall have discovered other veins, one ("pertenencia") in each of them.* He has also in his favor the circumstance that he works it in company, to which there is granted that, without prejudice to the right which they may have by the title of discoverer, when they are such, they may denounce four new "pertenencias," even though they are contiguous and in the same direction; but what is most worthy of consideration is, that Californias, being a frontier Department, and frequently threatened by the emigrants from the United States of the North, and by the new colonists of Oregon, it seems proper to grant to the first mine discovered in a Department so extensive, a greater number of "pertenencias," which view is corroborated by the reason found at the end of the eighth title, article 1st, which says: "Considering the limits established in the mines of these kingdoms, to which those of New Spain have, until now, been made to conform, are very contracted in proportion to the multitude, abundance and richness of the metallic veins which the goodness of the Creator has been pleased to grant to those regions, I order and command that in mines which may hereafter be discovered in the new vein, or without neighbors, these measurements be observed. 2d. Along the thread, direction, or course of the vein, be it of gold, silver, or other metal, I grant to every miner without distinction of the discoverers (who have their award already assigned to them,) two hundred Castilian varas, called 'varas de medir,' measured on a level." Lastly, in the first article, eleventh title, it expresses itself in these terms: "And because the capital of a single individual not being sufficient for great undertakings, while that of all the partners may be, I will and command that such companies be encouraged, promoted and protected by all suitable measures, my Viceroy granting to those who may form such, every favor, aid, and exemption which can be granted them according to the judgment and discretion of the Royal Tribunal of Mining, and without detriment to the public, or to my royal treasury." In reference to the ownership of two square leagues, which Señor Castillero solicits as a colonist, upon the surface of his mining property, for the purpose of supplying himself with the firewood necessary for the reduction of ores (beneficio), the Junta not having the necessary information on the matter, of which the Supreme Govern-

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ment has abundance, His Excellency, the President, will decide as he may think proper. In this view, on sending up to your Excellency the petition of Señor Castillero, this Junta has no hesitation in recommending it very efficaciously on account of the vital importance of the undertaking, its incredible influence upon the general good and prosperity of the Republic. The Junta has the honor, on this occasion, to repeat to your Excellency the assurance of its distinguished esteem and consideration.

God and Liberty. Mexico, May 14, 1846.

VICENTE SEGURA,
President.
[Rubric.]

His Excellency, the Minister of Justice and Public Instruction.

—

I, Andres Castillero, resident and miner in the Department of Upper California, before your Excellency and your Honors, as I best may proceed, say: that having discovered in the Mission of Santa Clara a mine of Quicksilver, of *leys* certainly so rich, that the like were never seen before, not only in the Republic, but perhaps in the world, as proved by the assays made by order of the Junta Facultativa of the College of Mining, which, mixing together all the specimens I brought, from the best to the worst, have given a result of thirty-five and a half per cent.; while the have been specimens of the bent kind which must produce much greater *leys*, I see myself in a condition to satisfy my desires in favor of the progress of my country, of benefitting exclusively Mexicans, by realizing the flattering and well founded hopes which such a discovery offers. In virtue of this, I have denounced and taken possession not only of said mine, named Santa Clara, but also of an extent of three thousand varas in all directions from said point. I have formed a company to work it. I have constructed the pit and complied with all the conditions prescribed by the ordinance; the mine yielding ore with the notable circumstance that the specimens which I brought, and which have been assayed, have been taken out of the mouth.

It would have been very easy for me to have given the necessary extension to the negotiation by accepting the repeated and advantageous offers which have been made to me by several foreign houses in California; but the undertaking does not require that kind of assistance, which would result in advantage to foreigners, when it may be entirely national; and I have not, for that reason, hesitated to apply to your Excellency and your Honors, to obtain the small and only resources

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which I need. These are reduced to a small advance of five thousand dollars in money, in consideration of the excessive scarcity of coin in that Department, and the quick remittance to it of retorts, cylinders, and other small distilling apparatus, as also iron flasks, for bottling up the quicksilver. I would have proposed a contract of partnership to the Junta, an "avio," or any other agreement, if I had time to be able to furnish the data and details which would be required for said contracts, but being under promise to the Supreme Government to leave this capital within a few days, I find it necessary to restrict myself to that which appears to present no difficulty, and which may open a way to new future agreements; I am well persuaded that the Junta will accede to my request so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation that which may require the decision of the latter. My propositions, then, are the following:

*First.* The Junta, in the act of approving the agreement, will give me a draft for five thousand dollars on some mercantile house in Mazatlan.

STAMP THIRD. FOUR REALS. For the years eighteen hundred and forty-six, and eighteen hundred and forty-seven.

*Second.* On my part, I bind myself to place in said port within six months after leaving it, fifty quintals of quicksilver, at the rate of one hundred dollars each, which I will send from the first taken out, with absolute preference over every other engagement.

*Third.* The Junta will order that there be placed at my disposition, before my departure from the capital, the eight iron retorts which it has in its office, and all the quicksilver flasks which can be found in the *negotiacion* of Tasco, which are fit for use; and lastly, it will deliver to Señor Don Tomas Ramon del Moral, my attorney, the sums to pay for the retorts, cylinders, and other kinds of small apparatus which may be ordered to be made for the *negotiacion*, to the amount of one thousand dollars.

*Fourth.* I will receive the retorts of the Junta at cost price, and the flasks which I may select at two dollars apiece, agreeably with their valuation.

*Fifth.* The ascertained value of said retorts and flasks, and that of the sums which may be delivered to Señor Moral, I will repay in the term of one year from this agreement, and also the premium on the draft on Mazatlan, in quicksilver, placed in said port at the price of one hundred dollars the quintal; but if the Junta should wish to take one or more "acciones" in the mine, it shall be left as a part payment of the sum corresponding to one or more "barras."

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*Sixth.* While the company is being formed, during the period of one year, counted from the date on which this agreement shall be approved, and the five thousand dollars spoken of in the first proposition being paid, I will give the preference to the Junta in the sale of the quicksilver placed in Mazatlan, at the rate of one hundred dollars the quintal.

*Seventh.* The Junta shall represent to the Supreme Government the necessity of its approving the possession which has been given me of the mine by the local authorities of Californias, in the same terms in which I now hold it.

*Eighth.* It shall also represent the advantage of there being granted to me, as a colonist, two square leagues upon the land of my mining possession, with the object to enabling me to use the wood for my burnings.

*Ninth.* For the compliance of this contract, I pledge the mine itself, and all its appurtenances.

The subscriber submits this petition to the deliberation of the Junta, which, if accepted, may be made into a formal contract, and made legal in the most proper manner.

God and Liberty. Mexico, May 12th, 1846.

ANDRES CASTILLERO.
[Rubric.]

—

MOST EXCELLENT SIR:—Having reported to His Excellency, the President *ad interim*, Your Excellency's note of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California, His Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication has been made to the Minister of Exterior Relations and Government, to issue the proper orders respecting what is contained in the 8th proposition, relative to the grant of lands in that Department.

I repeat to Your Excellency, &c.

God, &c. MEXICO, 20th May, 1846.

BECERRA.
[Rubric.]

To His Excellency, D. Vicente Segura,
President of the Junta for the Encouragement of Mining.

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Excellent Sir:—I this day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, what I copy:

"Excellent Sir:—Having, etc., etc."

And I have the honor to insert it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has thought proper to accede, that there be granted to him, as a colonist, two square leagues upon the lands of his mining possession, your Excellency will be pleased to issue the orders referred to.

I repeat, etc., etc.

Date *ut supra.*

To his Excellency, the Minister of Exterior Relations and Government.

—

José Miguel Arroyo, Honorary Intendent of the Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify: That in the Archives of this Ministry, there exists an expediente relating to the discovery of a mine of Quicksilver by Don Andres Castillero, at the Mission of Santa Clara, in Upper California, entitled "Ministry of Justice and Public Instruction. Year 1846. The Junta for the Encouragement of Mining informs that Don Andres Castillero has discovered, at the Mission of Santa Clara, in Upper California, a deposit of Cinnabar, of excellent quality, and transmits the petition of this gentleman, in which he solicits avio (supplies,) for working said mine." I further certify that the foregoing and annexed twenty-four pages, numbered by me with red ink, from number one to twenty-four, inclusive, on transparent paper, are a true and exact copy or tracing of said expediente, composed of official communications, copies, office minutes, or rough draughts, notes, and decrees, which are what constitute said expediente.

[SEAL.] In testimony whereof, I give these presents, under my hand and the official seal of this Ministry, this tenth day of January, one thousand eight hundred and fifty-nine.

J. MIGUEL ARROYO.

[Dues four dollars.]

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No. 4. CONSULATE OF THE U. S. OF AMERICA,

Mexico, January 17th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 38.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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## TRANSLATION OF EXHIBIT BASSOCO, NO. 9.

MINISTRY OF EXTERIOR RELATIONS, GOVERNMENT AND POLICE. } Year 1846. Indifferent.

No. 67.

The Governor of Californias on the discovery of a mine of Quicksilver in that department, and sends a sample of said ingredient. Concession of two square leagues to Señor Castillero, contiguous to the Quicksilver Mine.

—

[SEAL.]

April 6, 1846. Received and noted with satisfaction and with respect to the other matters contained in the letter, let him inform attentively what he may think fit. [Rubric.]

Most Excellent Sir:—By the accompanying letter of Señor Don Andres Castillero, which I respectfully transmit to your Excellency, original, you will be informed of the fortunate discovery made in this Department, of a quicksilver mine. In consequence thereof, I avail myself of the good opportunity to send to your Excellency, by the Commissioner of this Government, Don José Maria Covarrubias, the Quicksilver which, as a sample, was sent to me by Señor Castillero, and to which he refers in the above mentioned letter.

With such motive I beg your Excellency will be pleased to put this in the superior knowledge of his Excellency, the President, showing him the Quicksilver which said mine produces, so that His Excellency may inform himself and be pleased at so happy a discovery.

I repeat anew to your Excellency, the assurances of my consideration and respect.

God and Liberty. Angeles, February 13th, 1846.

PIO PICO.
[Rubric.]

To his Excellency, the Minister of Exterior Relations.

—

To His Excellency, Governor PIO PICO:

MISSION OF SANTA CLARA, Dec. 10, 1845.

My Most Esteemed Friend:—I send you to-day a sample of Quicksilver I have taken out in the presence of many witnesses. The mine has been denounced by me, and between a few we

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have formed a company. I am sure that yourself and the Departmental Junta will appreciate a discovery which will form the riches of the country, and we wish that the vacant lands near our works be conceded to us, to cut wood, with the order of possession.

There is such an abundance of Quicksilver, that eight arrobas of ore gave one of metal; and, in my belief, there is much, and a great extraction can be made.

I will also thank you to order that possession be given to me of the Island of Santa Cruz, which was granted to me by the Supreme, at the same time as that to the Messrs. Carrillos; the cattle which is to be shipped, is already bought, and Don Anastacio Carrillo can give me the possession.

May you continue in good health, and order your wishes to your friend, who esteems you, and regards your orders.

ANDRES CASTILLERO.

[Rubric.]

P. S.—My kind regards to my friends Covarrubias and Valle; and to Mr. Hijar, why does he not reply to the three letters I have sent him, giving him also my remembrances.

Endorsed:

To His Excellency the Governor of the Department of Californias, Don Pio Pico. } Angeles.

—

Excellent Sir:—His Excellency, the President, *ad interim*, learns with satisfaction by the letter from Señor Castillero, which your Excellency sent me with your official communication of the 13th of February last, the important discovery which has been made, of a mine of Quicksilver in that Department, His Excellency having seen the sample of that ingredient, cited in said letter, and which your Excellency sent me by Don José Maria Covarrubias.

I have the honor to say this to you by Supreme order in reply to the said communication, and that with respect to the other matters referred to in Señor Castillero's letter, that Government will please report attentively what it may deem convenient.

D., April 6th, 1846.

To His Excellency, the Governor of the Department of Californias, Port of Los Angeles.

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MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

May 23d, 1846. Issue the orders referred to in this communication.

I this day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, what follows:

"Most Excellent Sir:—Having reported to His Excellency, the President, *ad interim*, your Excellency's note of the 14th inst., with which you were pleased to transmit with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the Quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California, His Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to have him issue the proper orders respecting that which is contained in the eighth proposition relative to the grant of lands in that Department.

And I have the honor to transcribe it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which His Excellency, the President, *ad interim*, has thought proper to accede, there be granted to him as a colonist, two square leagues upon the land of his mining possession; your Excellency will be pleased to issue the orders referred to.

I repeat to your Excellency the assurance of my consideration and esteem.

God and Liberty. Mexico, May 20, 1846.

BECERRA.
[Rubric.]

To His Excellency, the Minister
of Exterior Relations.

—

Excellent Sir:—His Excellency, the Minister of Justice, in an official communication of the 20th inst., says to me what I copy:

"Excellent Sir:—I this day say, etc., etc."

And I transcribe it to your Excellency in order that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two leagues which are mentioned.

D., May 23, 1846.

CASTILLO LANZAS.

To His Excellency, the Governor
of the Department of Californias.

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José Y. de Anievas, Chief Clerk of the Office of
[SEAL.] Secretary of State and Despatch of Government, do certify: That in the archives of the Secretary's office there exists an expediente relating to the discovery of a quicksilver mine, by Don Andres Castillero, at the Mission of Santa Clara, in Upper California, and which expediente, in the correlative order in which business was done by the Ministry of Relations, Government and Police, in the year 1846, was set down in the respective index under number "67," the superscription (caratula) upon it being as follows:

"Ministry of Exterior Relations, Government and Police.=Year 1846.=No. 67.=Indifferent. The Governor of Californias, on the discovery of a mine of quicksilver in that Department, and sends a sample of said ingredient.

Concession of two square leagues to Sōr. Castillero, contiguous to the quicksilver mine."

I certify, moreover, that the preceding and annexed ten pages, numbered by me with red ink from 1 to 10, of transparent paper, are a true and exact copy or tracing of said expediente, consisting of official communications, letters, office minutes or rough drafts, notes and decrees, which constitute said expediente, which I have seen and compared.

In testimony whereof, I give the present under my hand, and with the Official seal of this Secretary's office, this seventh day of January, eighteen hundred and fifty-nine.

[SEAL.] J. Y. DE ANIEVAS.
[Rubric.]

—

No. 48.

José Miguel Arroyo, honorary Intendent of the
[SEAL.] Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify: That Don J. Y. de Anievas is Chief Clerk of the Ministry of Government of said Republic, and the foregoing signature is his own, which he uses in documents authenticated by him.

Mexico, March 11th, 1859.

[SEAL.] J. MIGUEL ARROYO.
[Rubric.]
[Dues 4 dollars.]

—

No. 100. CONSULATE OF THE U. S. OF AMERICA,

MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in

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the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the anthorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio, 50. In testimony whereof, I have hereunto set my hand and affixed the Consulate Seal the day and year first above written.

[SELLO.] JOHN BLACK, *U. S. Consul.*

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## TRANSLATION OF EXHIBIT BASSOCO NO. 10.

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

April 23, 1846. Let it go to the Professional Board of the College, with preference. TORNEL.

Excellent Sir:—Señor Don Tomas Ramon del Moral having presented to the Junta some specimens of Cinnabar from the Mission of Santa Clara, in Californias, which Señor Don Andres Castillero sends, with the annexed copies, to incite the Supreme Government, that it may be pleased to aid so important an enterprise, it has the honor of transmitting to your Excellency said specimens, with the object that the proper assay of the Cinnabar be made in the laboratory of that College, you being pleased to inform the Junta of the result as soon as possible.

And with this motive the Junta has the honor to repeat to your Excellency the protestations of its consideration and esteem.

God and Liberty. Mexico, April 21st, 1846.

VICENTE SEGURA, President.
[Rubric.]

The Secretary being occupied,

YSIDRO R. GONDRA, Chief Clerk.
[Rubric.]

To His Excellency, General Don José Maria Tornel, Director of the National College of Mining.



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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California to fulfil a purpose of the public service, tells me, in letters written at the Mission of Santa Clara on the nineteenth and twenty-second of February of this year, what follows:

"At the distance of five leagues from this Mission, to the west, I have discovered and denounced a very abundant mine of Quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little Quicksilver also goes, of that which we have taken out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equalled the ores of Almaden. From the width of the vein and the abundant yield of ore, within one year, with the protection of the Supreme Government, the Republic will not need quicksilver from abroad. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coast of the Bay of San Francisco, so that the steamers sending out their small boats, may load all they may require: this discovery was made by Colonel Don Juan B. Alvarado: the rock crystal is a very large hill."

This is a copy. Mexico, April 13, 1846.

J. J. DE HERRERA.

This is a copy. Mexico, 21st April 1846,

YSIDRO R. GONDRA, Chief Clerk.
[Rubric.]

—

OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

Señor Director of the College of Mining, Don Ramon del Moral.

MISSION OF SANTA CLARA, February 19. 1846.

My Esteemed Friend and appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a good mine of Quicksilver, I have discovered a most abundant deposit. With this I send to His Excellency the President, some ores of Cinnabar, and a little Quicksilver. We are forming a furnace, and have assayed said ore in a musket barrel,

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the touchhole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all the family retain good health; and, as much as you please, command

Your Obedient Servant, &c., &c.,

ANDRES CASTILLERO.

This is a copy. Mexico, 21st April, 1846.

YSIDRO R. GONDRA, Chief Clerk.
[Rubric.]

—

Joaquin Velasquez de Leon, Director of the National College of Mining of this Capital,

Do certify: that, in the archives of this College, now in my charge and custody, there exists an original communication from Señor Don Vicente Segura, President of the Junta for the Encouragement and Administration of Mining, and the copies of the letters accompanying the same, relating to the discovery of a Quicksilver mine in California by Don Andres Castillero. I further certify that the foregoing and annexed six pages, numbered by me with red ink from number 1 to 6 inclusive, are a true and exact copy, or tracing, of said documents, which exist and constitute a part of the archives of this office under my charge.

In testimony whereof, I give this present, under my hand, without official seal, this office having none.

Mexico, 18th February, 1859.

JOAQUIN VELASQUEZ DE LEON.
[Rubric.]

—

[SEAL.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, of the Mexican Republic,

Do certify that Don Joaquin Velasquez de Leon is Director of the National College of Mining, which is under the inspection of this Ministry. I likewise attest that the archives of the College are, at the present time, in the charge of said Director, and the signature of Don Joaquin Velasquez de Leon is his true signature.

In testimony of which I give this present, signed by my hand, and with the seal of this Ministry, this 11th day of May, 1859.

[SEAL.] P. ALMAZAN.
[Rubric.]

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No. 53.

[SEAL.] José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic,

Do certify that Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, and that the foregoing signature is his, which he uses in documents authenticated by him.

Mexico, March 12, 1859.

J. MIGUEL ARROYO.
[Rubric.]

[Dues, 4 dollars.]

—

No. 104. CONSULATE OF THE U. S. OF AMERICA, MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same, chief clerk of the Departmento of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51.
Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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## TRANSLATION OF EXHIBIT BASSOCO NO. 11.

DIRECTION OF THE NATIONAL COLLEGE OF MINING.

PROFESSIONAL BOARD (JUNTA FACULTATIVA),

*Session of 24th March*, 1846.

At a meeting in the Meeting Hall, present the Señor Don Tomas Ramon del Moral, as President, and the Señores Balcarcel, Navarro, Camacho, and the undersigned, there were read some documents from the Junta for the Encouragement of Mining, which the Exct. Sōr. Director, passed to this Board (Junta), on the 21st of the present month relative to a deposit of Cinnabar discovered in Californias by Sōr. Don Andres Castillero, and to another of coal from the coast of the Bay of San Francisco, asking that the assays be made of the specimens of the cinnabar sent to Sōr. Moral by the discoverer. The Board resolved that a report be made in conformity with what had already been done, that is to say: that some of said specimens had already been assayed by the Sōr. Don Manuel Herrera, and others deposited in the Cabinet of Mineralogy; that the "ley" of specimens showed 35½ per cent. of quicksilver, for they were so rich that they were composod of pure cinnabar; and finally, that the Exct. Sōr. Director be urged to interpose his influence with the Supreme Government and the Junta for the Encouragement of Mining, to the end that Sōr. Castillero should be effectively rewarded, for having made so important a discovery. The Board also resolved that copies of said documents be kept in its Secretary's office; whereupon the session ended.

THOMAS RAMON DEL MORAL.

[Rubric.]

—

DIRECTION OF THE NATIONAL COLLEGE OF MINING.

By your official communication of the 24th ult. I have learned that specimens remitted by Sōr. Don Andres Castillero were assayed by the Professor of Chemistry, Don Manuel Herrera, from which it resulted that they gave a "ley" of 35½ per cent., whereby said Sōr. Castillero has made himself worthy the efficacious protection of the Supreme Government, and of the Junta for the Encouragement and Administration of this Col-

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lege; to whom I this day transmit your said official communication for their information.

God and Liberty. Mexico, April 29, 1846.

JOSE MARIA TORNEL.
[Rubric.]

Sr. Dn. Tomas Ramon del Moral,
President of the Junta, &c.

—

Joaquin Velasquez de Leon, Director of the National College of Mining of this Capital,

Do certify: that in the archives of this College, now under my charge and custody, there exist several minutes or records of the Sessions of the Professional Board (Junta Facultativa) of said College, and several other documents belonging to said Professional Board, and that among them there exists a minute or record of a Session entitled "Professional Board, Session of 24th March, 1846," signed by Don Tomas Ramon del Moral with his signature and rubric; and there also exists an original communication addressed to "Señor Don Tomas Ramon del Moral, President of the Junta for Encouragement of the National College of Mining." I further certify that the two preceding and annexed pages marked by me with red ink from 1 to 2 inclusive, are a true and exact copy or tracing of said documents which exist and form part of this office in my charge.

In testimony whereof I give the present under my signature, without official seal, this office having none.

Mexico, February 18th, 1859.

JOAQUIN VELASQUEZ DE LEON.
[Rubric.]

—

[SEAL.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, of the Mexican Republic,

Do certify that Don Joaquin Velasquez de Leon is Director of the National College of Mining, which is under the inspection of this Ministry. I likewise attest that the archives of the College are, at the present time, in the charge of said Director, and that the signature of Don Joaquin Velasquez de Leon is his true signature.

In testimony of which I give this present, signed by me, and sealed with the seal of this Ministry, this 11th day of March, 1859.

[SEAL.] P. ALMAZAN.
[Rubric.]

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José Miguel Arroyo, Honorary Intendent of the Army and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic,

52 Do certify that Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, of the same Republic, and that the foregoing signature is his, which he uses in documents authenticated by him.

Mexico, March 12, 1859.

J. MIGUEL ARROYO.
[Rubric.]

Dues, 4 dollars.

—

No. 106. CONSULATE OF THE U. S. OF AMERICA, MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51.
Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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## TRANSLATION OF EXHIBIT BASSOCO, NO. 12.

Julian Dufart, a Mexican citizen complaining of the delay which his suit suffers in the court of Sōr. Perez of Lebrija:

May 11. Let it be remitted to the Supreme Court of Justice for the proceedings which may be proper.

The citizen José Maria Yrissari, 8th "official" of this Ministry, asks permission to marry the Señorita Dona Carlota Herrera.

May 18. Granted.

The citizen M. M. del Campo, as the representative, and at the request of the Señor Curate of the "Santa Iglesia" of Oajaca, asking that the pontificial rescript which he encloses be approved.

Do. 18. To the Council.

Catalino Barroco, Colonel of the Army and Commander of the Garrison of Queretaro, solicits a fellowship in the College of San Yldefonso for his son.

Do. 19. Let the Rector of the College of San Yldefonso report.

The Señor President of the Junta for the Encouragement of Mining, accompanies with recommendation the petition of Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara in Upper California.

May 20. It is granted in the terms proposed; and as regards the land, let the proper orders issue to the Ministry of Relations for the measures proper to be taken by it, with the understanding that the Government assents to the petition.

Felipa Lopez de Dávila complains of certain wrongs for which she solicits reparation.

Do. Do. Let the respective Superior Tribunal be urged to do justice.

Do. Do. The citizen Augustin Peza, second clerk (escribiente) of this Ministry, solicits leave of absence for one month to recover his health.

Do. Granted accordingly.

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June 18. The Exc$^{t}$. S$^{or}$. Minister of Exterior Relations inserts the communication to the Exc$^{t}$. and Illustrious S$^{or}$. Don José Maria Luciano Becerra, informing him that his resignation of this Ministry is accepted by His Excellency, the President Don José Maria Duran, to remain in charge of the same.

Do. 43. Received to-day. Noted.

Do. 27. Don Antonio Carillo sends a petition relative to a purchase which he made of sundry goods that were under seizure by the Gen$^{l}$. Administr$^{n}$. of Revenue of Sonora.

June 23. At this date it was passed to the Ministry of Hacienda.

—

MINISTRY OF JUSTICE, ECCLESIASTICAL AFFAIRS AND PUBLIC INSTRUCTION.

The undersigned Chief Clerk of the Ministry of Justice, Ecclesiastical Affairs and Public Instruction, and Honorary "Oficial Mayor" of the same, with the right of signing decrees (con ejercicio de decretos):

Do certify, that in the Archives of this Ministry, [SEAL.] there exists a book, bound in cloth, composed of one hundred and fifty-seven leaves, numbered from 1 to 157 inclusive, entitled "General Book Fifteen. Years 1841 and 1842, and continued in the years 1843, 1854, 1845, and 1846.

I certify in like manner that that book, wherein were set down, at their proper dates, summary statement of the affairs which came into the Ministry, and of the resolutions dictated by Government thereupon, is full of the entries of the years mentioned in the superscription, and that those corresponding to the year 1846, begin on the 122d leaf and end 157th on the reverse, with a decree dated July 10th of said year, 1846. I certify finally, that the two annexed leaves of transparent paper numbered with red ink from 1 to 2, are a true and exact copy or tracing of the 140th leaf the Gen$^{l}$. Book so often mentioned, which exists and forms part of the Archives of this Ministry.

In testimony whereof, and by Supreme order, I give the present under my hand with the official seal of this office, in Mexico, the 23d day of February, 1859.

[SEAL.] MAR$^{o}$. ALEGRIA.
[Rubric.]

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José Miguel Arroyo, Honorary Intendent of the [SEAL.] Army, and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify, that Don Mariano Alegria, is honorary Chief Clerk of the Ministry of Justice of said Republic, and that the foregoing signature is his own, which he uses in the documents authenticated by him.

MEXICO, 11th March, 1859.

[SEAL.] J. MIGUEL ARROYO.
[Rubric.]

[Dues, 4 dollars.]

—

No. 105. CONSULATE OF THE U. S. OF AMERICA, MEXICO, March 16th, 1849.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify, that the said Chief Clerk is the only person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in Foreign Countries; and that the Seal of said Department, attached to said certificate, is the same used in the legalization of all documents by said officer.

Register J, folio 51.

Fees, $1.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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# TRANSLATION OF EXHIBIT BASSOCO No. 13.

## APPENDIX.

*Report addressed to the Supreme Government by the Junta for the Encouragement and Administration of Mining. Upon the examination of deposits of Cinnabar in the Republic, investment of the funds appropriated to the quicksilver fund, and the utility of encouragiug mining.*—Mexico, 1845: Ignacio Cumplido's printing office, No. 2, Rebelds street.

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING. } No. 389.

Most Excellent Sir:

Although the Junta for the Encouragement and Administration of Mining is not bound by law to give an account to the Supreme Government of the manner in which it has discharged the duties imposed upon it by its organic law, yielding to the inspirations of its natural delicacy to the desire which animates it that its action may be appreciated with a knowledge of the facts, but especially to its conviction that the advantages of the publication of a report comprising the most notable matters of the branch of mining would be incalculable, it determined to prepare it, and for that purpose asked for various data which, unfortunately, for the most part have not been received.

Not being able therefore to accomplish this object, considering the urgent necessity for quicksilver, and for an uninterrupted supply of the same which is felt by the Republic, that the silence of the Junta upon this point in the present circumstances might injure the branch notably, and that your Excellency would avail yourself of a benefit which would be common to all, to obtain the proper data for the formation of your report, it has believed that at least it ought to present to you the present instructive exposition.

The Junta would wrong the well-known enlightenment of the present Ministry, if it pretended to manifest to it all the reasons which demand the encouragement of the branch of quicksilver, and that prove the influence which, if protected, it

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would exert on Mexican prosperity; because to know them it is only necessary to remember that, as no other substance whatever can be used in the reduction of ores by amalgamation (beneficio), to which class belong almost all those that the gold and silver mines produce, it is absolutely indispensable to acquire that article, by working the cinnabar mines of the country, and importing it from those of foreign countries.

With this understanding, and knowing the monopoly of the Spanish quicksilver, and the insufficiency of that of other nations, even for their own necessities, if the Republic does not make great efforts to better its situation in this respect, the price will continue to be higher and higher, and for the same cause the country is dependent on others, and the production of the mines reduced, leaving moreover for the most part one of the principal sources of public wealth liable to become obstructed; the Junta will lay before your Excellency, briefly, the measures which the Provisional Government adopted to prevent the said evils, the results which they have given, and those which, in the opinion of the Junta, should be taken, so that the commendable ends for which the respective decrees were issued may not be illusory.

The Organic Law of the Junta made by the Provisional Administration on the 2d December, 1842, and published in this city by proclamation on the 11th of the same, on determining the attributes of the body, included among others, that it should form with the approbation of the Supreme Government (article 10) a regulation (reglamento) upon the mode by which quicksilver should be acquired, distributed and sold to the reducers (beneficiadores) of ores; designating the cases and the manner in which the working of quicksilver mines in the Republic should be maintained, rewarded, or otherwise stimulated and protected. It placed in charge of the Junta (article 13) all the moneys which might be produced by the fund managed by the old establishment, and the fund created for the acquisition of quicksilver, as well as the exclusive distribution of quicksilver (article 18) at cost among the same reducers (beneficiadores), the proceeds of sales, and that portion which might remain unsold. It constituted this fund out of the two thirds of the increase of import duty, imposed on the same date, on foreign linens and cotton goods, and provided that the Junta might furnish the quicksilver (article 19) with the proper guarantee and upon the terms which the regulation (reglamento) might establish, it being empowered to secure the collection, having recourse directly or by means of its agents to Judges of Hacienda, in order to compel those individuals who might contract obligations to comply with them, and to enforce

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payment from those who might resist it. It ordered (article 20) the publication every four months of a statement of the distribution of quicksilver, showing the quantities bought by the Junta, its cost, the quantity remitted to each mining district, and the names of the reducers (beneficiadores) interested: that in case of complaint of irregularity or injustice in the distribution the Supreme Government should decide, and that when a fund equivalent to twenty-four thousand quintals of quicksilver should be collected (article 21), the designated part of the said increase of duty should cease to be so applied.

Another law enacted on the same 2d day, and published also on the 11th December, provided (article 2d), that with the proceeds of the difference in the duties established by it, and the duties imposed by another decree of the same date on frames (fabricas) and windlasses, there be formed a separate fund, of which one third part should be applied to the encouragement of industry for the term of five years, and the remaining two to that of mining, as far as might be absolutely necessary, according to the intention of the first provision, the rest to go into the public Treasury; that destined to industry to go there also, in the case provided for, for which purpose the Government would have the proper intervention on this point, with the understanding (article 3) that the administrator of the Maritime Custom-Houses should guard on strict deposit whatever should be collected of said difference, to deliver it to the agents who were to receive it, without the power of making any other use of it under their most strict responsibility; and that the collection of the increase would begin to be made (article 4) in the Maritime Custom-Houses of the Port of Central Mexico forty-five days after the publication of the decree in the Capital of the Republic, with regard to goods brought in ships sailing from the ports of the West Indies, Central America, and the United States; and in three months, with respect to those which might arrive from the ports of Europe, and those of the states of South America; and in the Maritime Custom-Houses of the South, six months after such publication for the ships which might arrive from the ports of the West Indies, Central America, United States and Europe; and in three months, for those which might arrive from the States of South America.

Although the Junta believed that the fund designated for the purchase of the 24,000 quintals fixed by the law, was sufficient, knowing that it would be slowly collected according to the importations of the goods bearing the duty, for which reason during the first years it would be able to obtain very little quicksilver; that many years would be required to obtain the entire 24,000 quintals; and that the necessity of providing this

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ingredient for the miners was as it is now most urgent; on the 10th February, 1843, with the view of providing for it as soon as possible, it proposed the only means presented to it, namely, that it should be authorized to dispose of a sum of money sufficient to enable it to enter into an agreement with the Spanish Government, procuring for itself for that purpose a loan not to exceed two millions of dollars, in or out of the country; persuaded that the terms upon which it would be obtained would be more or less advantageous in proportion to the security offered for the payment of the annual interest and the principal; it recommended that the three per cent. imposed on gold and silver by article 6 of the law of 22d November, 1821, published on the 20th February, 1822, (which in Zacatecas is paid by the miners of the Fresnillo, and in the Capital was appropriated to the establishment of the smelting-house) be given to the Junta, so that, added to the fund created by the law of 2d December, it might give sufficient security to lenders. Consequently, by decree of 17th February, 1843, the Junta was empowered (article 1st) to contract a loan not to exceed two millions of dollars, in the Republic or out of it, on the best terms possible, with the object of procuring the contract for the quicksilver of the Almaden mine (article 2d), subject to the approval of the Supreme Government and the Junta, with power (article 3d) to enter into negotiations with the Spanish Government for the contract for said mine, for the number of quintals provided for by the said law of 2d December, there being appropriated as security for the contract (article 4) the fund created by the same law; and moreover, that the two per cent. of the 3 per cent. upon the value of gold and silver should be discounted as a contribution, according to the provision in article 6 of the law of 20th February, 1822, to be paid back to the funds of the branch of mining as soon as the contract for the quicksilver should be made, as payment to the public treasury out of the proceeds derived from its sale to the mines; the contract (article 5) which the Junta should make with the Government of Her Catholic Majesty to be also subject to the approbation of that of the Republic.

On the 17th April, 1843, there was published in this Capital the decree of the 7th of the same, increasing (article 1) 20 per cent. the duties of importations collected under the tariff of the 30th April of the previous year, while the war should continue against the rebels of Texas and the dissenters of Yucatan; and providing (article 2) that the linens and cotton textures, white, brown, and of mixed colors, referred to in the decree of the 2d December, should only pay the quota imposed upon them by it for the encouragement of the branches of mining and industry,

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the collection to be made from the data fixed by the subsequent decree of the 24th of the same December. It provided also (article 4) that the amount of the increase of the 20 per cent., and also the difference between the quotas fixed by the tariff upon linens and cotton textures and those provided for by the said decree of 2d December, be paid by bills payable at the expiration of the times designated in the same tariff for the import duties, drawing them in favor of the general treasury, where they would be kept in strict deposit at the disposal of the Supreme Government, with the understanding (article 5) that the Maritime Custom-Houses, for the accomplishment of what had been provided, would increase the total of duties as shown by the returns, 20 per cent., in conformity with the said tariff, placing in a separate column the collection of the difference:

In conformity with the recommendation of the Junta, the decree of the 24th May, 1843, was issued, ordering (article 1) the punctual observance, as regards the quicksilver mines in the Republic, of the royal orders of the 13th January, 1783, 12th November, 1791, 6th December, 1796, and 8th August, 1841, touching the exemption from duties of goods consumed in mining; that no import (article 2), general or municipal, should burden the quicksilver extracted from the mines of the Republic; that it should circulate (article 3) throughout the nation, without permits, passes, or other custom-house documents; that (article 4) a reward of 25,000 dollars be paid to each of the first four "empresarios" who might extract in one year from the mines of the Republic 2,000 quintals of quicksilver; that there be allowed (article 5) during three years for each quintal of quicksilver so extracted the sum of five dollars; and that the operatives of the mines of this class (article 6) be exempt from military service and personal contributions; and that the Junta (article 7) make the corresponding regulation (reglamento) for the distribution of the said rewards, paying them in due time from the fund appropriated to them by article 2d of the decree of 2d December, 1842, and article 4th of that of 17th February, 1843.

In a decree of 5th July of the same year the Junta was empowered (article 1) to work, maintain (aviar) and protect the quicksilver mines in the Republic, providing (article 2) that the sums which it might pay with the said object to the "empresarios," besides being secured to its satisfaction, should bear an annual interest of 5 per cent. for the funds of the branch; that it should not maintain (aviar) any mine whatever (article 3) without obtaining the necessary data to prove as far as possible the goodness of the negotiation; that it should not work (article 4) for account of the funds any mines except such as

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would offer it known advantages, or at least security for the capital it might invest, and the interest exacted upon funds entrusted to it; that it should receive liquid quicksilver at (article 5) a price agreed upon with those interested, not to exceed the market price, in payment of the respective capitals and interest, distributing it proportionably among the gold and silver mining districts, and according to the provisions of the regulation (reglamento) which for the useful distribution of the fund it should frame and pass to the Government for its approbation; that it should establish in the mining departments (article 6) offices for the purchase of liquid quicksilver, and distribute it according to the provisions of the former article; that it should purchase or have made for account of the funds (article 7) the flasks necessary to put up the quicksilver, distributing it among the same departments so that it might be carried with safety; that the Junta (article 8) might send intelligent persons in search of good deposits (criaderos) of cinnabar, have those already discovered examined, and dictate all the measures experience might recommend, in order that the extraction of quicksilver in the Republic might be efficaciously encouraged; that to enable it (article 9) to fulfill the objects of this law and that cited of the 24th May, it make use of the funds appropriated to it by article 2d of the law of 2d December, and article 4th of the law of 17th February; and that said funds should be immediately at their disposal, to be delivered on its order to the persons charged with their collection.

On the 8th of the same month of July, the Provisional Government gave notice to that of Jalisco, to open in said Department a subscription to procure by *a donation or voluntary loan* the fund necessary for the working of quicksilver mines, forming for that purpose a junta of the owners of them, and that it proceed to make the necessary regulations for it, so that it might organize, charge itself with its treasury, the receipt of *all sums or donations* destined for the encouragement of the enterprise, and the collection of the imports for this object in the Department, and for the purpose also of having the same office pay the *loans when the resources of the negotiation would be sufficient for that purpose, and the lenders designate to it the person or persons with whom they should agree about making the delivery*, and the manner and terms on which they should be reimbursed, with the understanding that His Excellency the President desired to take the lead of those citizens who might wish to subscribe, with a subscription of five thousand dollars, thus presenting an example which might be followed by others for the public good.

A decree issued by the Ministry of Hacienda on the 11th of

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the same July, and published on 31st December, declared (article 32) that the privileges conceded to mining by laws not repealed still existed, adding that in order to secure the proper exemptions from duties the goods should positively be carried with a permit and voucher; and moreover, that the political authority of the mining district to which they might be sent, should give certificates to the conductor, or consignee, showing that the goods were introduced to the respective mine, without which proof no return permit should be issued without collecting the duties, with the understanding that when the whole or part of the goods were sold on the way, or should not be introduced into the mining districts, the corresponding duties should be exacted, the administrators taking care to collect them promptly.

In a decree of the 14th of said July, the Departmental Junta of Jalisco was authorized (article 1) to demand a loan in that Department, and in case of not obtaining it, to lay an import on the branches it might consider best able to yield the sum of one hundred thousand dollars, within the time it might designate, and which might be most convenient for the purpose; commanding (article 2) that the said one hundred thousand dollars be applied exclusively to the encouragement of the quicksilver mines of said department; that the same Junta (article 3) fifteen days after having received the decree, regulate the loan or import in such manner as to insure the collection and application of said sum; that the Government of Jalisco (article 4) form a junta over which it should preside, composed of the owners of quicksilver mines, regulating it in the most convenient manner, creating and organizing its treasury, so that it might undertake to receive all the sums provided for by the same law, and those which might be collected by donation, and to return the same when the resources of the negotiations which might be encouraged by this means should be sufficient for the purpose; and that the concessions (article 5) granted to the Department of Jalisco be extended to all the others which might work quicksilver mines; it being declared by decree of 24th August that the loan treated of should be voluntary, with this understanding, that its collection and the rest provided for by that of the 14th July be proceeded with.

By a law of the 25th September it was provided, in order to make effectual the benefits which the Government proposed to confer on mining, by the authority given to the Junta of Encouragement by the decree of 5th July, that it should appoint (article 1) a commission at least in each Department of the Republic, to explore and examine the respective deposits of cinnabar; that the examinations which the commissions might make (article 2) should be scientific, they being required



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moreover to report upon the following points: 1st, whether in the respective department there were or had been any quicksilver mines which were then being worked or had been worked; 2d, what state were they in; 3d, which were most susceptible of being worked; 4th, what works were necessary to put them in order, and the estimated cost thereof; 5th, the ley which the ores examined might have; and 6th, the cost of their extraction and reduction; that the Junta (article 3) in view of all these reports, determine the places to be preferred for habilitation, and the amount with which they should be habilitated; that before six months (article 4) from the 25th of the same September the examinations should be concluded, and before seven the avios of the mines decreed, with power to advance some habilitation to those notoriously entitled thereto; that out of the funds (article 5) appropriated to the working of quicksilver mines and those designated by the same law, those habilitations be made; that to furnish the avios (article 6) the Junta use one of two means: 1st, to furnish the necessary money in the form of a loan at the rate of six per cent. per annum; 2d, to constitute itself a maintainer (aviadora) subject to profits and losses as in ordinary avios; that when it furnished money at interest (article 7) it have positive assurance that the money lent should be returned at the expiration of the term agreed upon; that the capital and interest be secured with guaranties satisfactory to the Establishment; that the money should be necessarily and exclusively invested in the negotiation treated of, for which it might employ an inspector to be paid by the owner of the mine, and that these loans should only be made in favor of the negotiations which the same Establishment might have deemed worthy of being habilitated, according to the examinations required; that if the avio is furnished (article 8), the Establishment constituting itself aviador, the following shall be observed: 1st, that the avio shall be furnished to a mine worthy of being worked, as shown by those examinations; 2d, that the amount to be furnished shall be regulated by the estimates made by the commission which examined the mine; 3d, that at least one-half of the profits be reserved for the aviador; 4th, that the exclusive direction be in charge of the aviador, the owner of the mine having the right of appointing an inspector; 5th, that every four months there be made a liquidation and dividend of the gains, if there be any; 6th, that the Establishment, under its own responsibility, revise the accounts; and 7th, that the gains be applied, 1st, to paying the principal sum invested in the avio, and until final payment of this sum that no dividend whatever be paid to the shareholders; that the Junta (article 9) make a regulation (reglamento) of avios according to the bases

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of the former articles, subjecting it to the approval of the Government; that the funds (article 10) for the avios decreed be, 1st, the one per cent. of duties imposed (decree of 16th of March, '43, article 2) on coin carried from one Department to another; 2d, the one hundred and thirty thousand dollars adjudged to belong to mining of the fund created by decree of 2d December; that the amount of the one per cent. (article 11) be collected by the Establishment of Mining, for which purpose it might appoint and allocate the commissioners it might deem proper; that the one hundred and thirty thousand dollars should be paid (article 12) by the Maritime Custom-Houses of Vera Cruz and Tampico, the former furnishing eighty thousand dollars per annum and the latter fifty thousand, payable in monthly installments, to be remitted in drafts in favor of the Junta, which would, out of the funds appropriated to the working of quicksilver mines, apply (article 13) the fifteen thousand dollars assigned by the decree of 18th August of the same year for the endowment and annual expenses of the Seminary, it being provided in the 25th article of the decree of the 5th October, which designated the subject of study in the same college, that there be furnished from the quicksilver fund two thousand dollars monthly, instead of the fifteen thousand referred to by the decree of the 18th August, the expenses having increased. Finally, on the 14th October it was declared, at the request of the Junta, that it might take some shares in companies formed by private persons for the avio of quicksilver mines, or work them as proprietor, provided that it should previously obtain the approval of the Government.

In compliance with article 10 of the decree of 2d December, 1842, the Junta remitted of the 16th of November, 1843, the draft of a regulation (reglamento) which it believed suitable for the more economical and faithful administration of the funds entrusted to it, recommending as regards the branch of quicksilver all the measures it thought opportune; but as the Government itself on the 30th December of the same year framed the constitution (planta) of the office of the Junta, knowing that it could not fulfill the important duties with which it was charged without the necessary clerical assistance, the draft was varied, and the same was returned on the 25th July to have the Junta reform it with reference to subsequent dispositions.

To comply with the provisions in the decree of 17th February, 1843, it ordered on the 20th of the same the publication of a notice in some of the periodicals of the capital, with the object of convoking persons who might make proposals for the loan of two millions of dollars, to which it was authorized, with the view of procuring the commodious acquisition of

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quicksilver from the Almaden mine, observing that the proposals be directed as soon as possible to the Secretary of the Junta; but the publication gave no result, owing no doubt to the little confidence felt by capitalists in the permanence of the provisions themselves, and consequently in the securities.

As by the last news received from Europe by the Junta, it learned that the Bank of San Fernando, in Spain, had made proposals to enter into a contract with the Government of that nation, with a view to have the quicksilver of the Almaden mine adjudged to it, and as the respectability and ever judicious conduct of said body induced it to believe that the contract would rest on bases as just as they would be convenient to both the contracting parties, it being confident, moreover, that the rights and obligations which might arise from such contract being transferred to it, the Junta would be able to conclude an arrangement reciprocally useful, it did not hesitate so to state to the Government on the 22d, manifesting to it the advantages which would result by authorizing it to seek to be substituted for said Bank in the contract, a thing which did not seem impossible in view of the consideration which this country merits from Spain, not only by the natural ties which unite them, and which should draw them nearer to each other from day to day, but by the great results which some special concessions might yield to Spanish commerce, offering to guarantee the fulfillment of the contract with the securities conceded in the decree; but although on the 23d the solicited authority was given to it, later news caused the Junta to change its intentions.

On the same date it directed to the Government of Her Catholic Majesty, through its Minister Plenipotentiary the Most Excellent Sr. D. Pedro Pascual Oliver, the following proposals: 1st, to advance to it one million of hard dollars if it would be pleased to approve them; 2d, to make the advance within one month after receiving in Mexico official notice of the receipt and approval of the proposals by the Spanish Government, delivering the said sum to the order of its minister, the duties and cost of conveyance to its embarkation being for account of the Junta; 3d, that no class of impost should be collected on the quicksilver in Spain; 4th, that all the quicksilver the Spanish Government should extract from its mine in five years, not to be less than fifteen thousand quintals in each, nor to exceed twenty, should belong exclusively to the Junta, which would sell the excess there might be between the first and second quantity named, according to agreement to be made with the Government, at cost and charges at the depot which should be established for the purpose in Cadiz; but if the Spanish Government should not agree to this it would limit

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itself to the fifteen thousand, provided said Government would bind itself not to sell at lower prices and on more favorable conditions; 5th, that the Junta would pay for the quicksilver at sixty-two hard dollars per quintal, to be delivered in iron flasks containing three arrobas of mineral each; 6th, that the Spanish Government should be bound to deliver in every four months two thousand five hundred quintals in Tampico, one thousand five hundred in Vera Cruz, and one thousand between San Blas and Mazatlan; 7th, that as soon as information should be received of the arrival of any quicksilver in said ports its value would be placed at the disposal of His Excellency the Spanish Minister, the cost of conveyance to those ports and the expenses which might be incurred to its embarcation being for account of the Junta, but deducting the half of such value in part payment of the million advanced; 8th, that fifteen thousand quintals being the quantity to be brought to the Republic, and the mine being able to yield twenty thousand, the excess be placed in Cadiz at the disposal of the Junta, which would pay for it through its commissioner at the same place, according as he might receive it, but deducting half of its value which would be as part payment in like manner.

The Junta believes it to be its duty to indicate some of the grounds it had for making the proposals which have been spoken of, on the hypothesis that it was not true that the contract with the Bank of San Fernando had been made, as asserted in private letters and even in some periodicals, and on the hypothesis that it knew not the bases of all the proposals lately made to the Spanish Government; there was however left to the Junta a safe starting point, namely, that presented by the articles of the agreement of Rothschild of London. Among them were found as fundamental those relative to the advance of two and a half millions of dollars, those relative to the fixing of 62 dollars and 2 reals as the price of each quintal of quicksilver, and the reservation of one-fifth of its value in part payment of the amount of the loan. The Junta knew that the proposal had been improved, but notwithstanding, it opened its relations, offering a million in advance, fixing the price at 62 dollars to be paid, and the installments to be paid at one-half the proceeds of the quicksilver, until that amount should be paid in full. It reduced to five years the duration of the contract, stipulating for a quantity not to be less than seventy-five thousand nor more than one hundred thousand quintals in all; because with the former quantity, mining might be supplied, should it continue as it was in the five years which elapsed from the 1st January, 1833, to the 31st December, 1837, for according to the calculation by the Establishment in a report made to the Ministry of Hacienda on the 1st Novem-

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ber, 1838, it appeared that the Republic uses every year on an average, probably 14,065 quintals, without including that necessary for pharmacy and other uses of the arts; that excluding the consideration that by encouraging the branch, the consumption would be proportionably greater, avoiding the various disadvantages which might result from the excess of the proceeds of Almaden being purchased by other bodies or persons at a lower price or on more favorable conditions, and because by fixing the latter the quantity of the extraction of ores was limited, thereby preventing an abundance during the contract from injuring the enterprise, offering at the same time to the Cabinet of Madrid a guarantee against the monopoly which it wished to avoid, in the assurance that the excess should be distributed at cost and charges. The Junta also considered that a fund equivalent to the value of 24,000 quintals having been given to it, with it and the proceeds of sale it could meet all its engagements, not having to confine itself, for the same reason, to the acquisition at one time of the 24,000 quintals mentioned, this quantity being excessive for the consumption of one year, and insufficient for that of five, within which time perhaps, the mines of the country being encouraged, might supply all or the greater part of the quicksilver which might be needed, securing in this way a permanent encouragement without the Junta having to make use of any other resources than those which have been given to it.

The endeavors of the Junta produced no result, nor could they, because it did not apply at the proper time, not being represented in Madrid; because it became difficult for it to comply with some of the requisites enacted, in the form of bases of proposals furnished by the Spanish Government; because among the bidders there were some whose means and circumstances placed them in a more advantageous position than that occupied by the Junta; and above all, because some of the bids offered were always superior to those of the Junta; what is certain is, that it was awarded to Sr. Salamanca, there being no other alternative left but to wait for the next adjudication, which is not very remote, and for which Mexico should adopt more suitable measures.

The decree of the 24th May having been issued, the Auditor's office charged with the general direction of excise and direct taxes, in view of the provision of article 1st, as to the exemption of goods for the use of mining, deemed it necessary to direct to the Ministry of Hacienda for its approval, a sketch of the circular which it thought proper to be communicated to its subalterns, containing a specific statement of the articles exempted, to avoid the confused construction which they might give to the laws; and as some of these goods are specified, it

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might be supposed that by the words "and others" it was intended to extend the exemption to those goods which are used directly in the working of mines, the reduction of ores, or for drainage, the other articles exempted not being specified, it advised that, to obviate doubt, those goods only should be deemed to be exempt which were specified by name in the orders themselves. It proposed, moreover, that national and foreign quicksilver should be transported without passes or permits, even from the frontier and maritime Custom Houses; that the freedom from excise be for the introductions or sales in the district of the Custom Houses, receivers or deputy-receivers' offices, where quicksilver might be extracted; that the exemptions be from excise only; that foreign iron or steel should not be free from duties which they pay at the ports when imported; that although no mention is made in the said dispositions of sand, lime, and "arrastre" frames, they be included in the exemption, other previous orders having granted it; and that the circular it proposed and the royal orders it cited be published.

The Junta saw that on the pretext of the better observance of the decree, the embarrassments which were caused by the practices introduced into the collection of the excise duties after the creation of the administration and the general direction of the said revenue, were again presented; and as those practices had already been carefully examined by the extinguished Tribunal of Mining, on directing to the Viceroy its relative exposition of 13th October, 1778, in which were separately treated the just grounds of opposition to the existence of the same, and their pernicious effects, even on the public treasury for the benefit of which they were established, the Junta thought it sufficient to reproduce the motives of said exposition in another it had the honor of sending to the Supreme Government on the 31st July, 1843, and of which, although it is printed in some newspapers, it annexes a copy numbered 1, in consideration of the importance of the subject to which it relates.

It obtained no answer whatever; and if in the decree of the 11th of the same month, which was not published until the 31st December, the laws which protect Mining are declared in force, its provisions to avoid the abuse which might be made of it by those interested were no doubt the cause that, at least in some cases, the provisions which allow the exemption were ineffectual, for the Junta infers this from various complaints it has received as to this particular.

The Supreme Government on the 10th November of said year, was pleased to approve the measure adopted by the Departamental Junta of Jalisco, to collect the one hundred thousand

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dollars referred to in the decree of the 14th July, which was to apply to the encouragement of quicksilver mines; the proceeds of the contribution imposed on the bales which might be introduced into the Fair at San Juan, in virtue of its decree of 2d October, 1841, extending to those which might be imported to that of Tepic, and imposing a charge of two reals on each bale of clothing, goods, wares and manufactures of the country, and one real on small packages, to be paid by all that might be introduced into any of the towns of that Department; but the same Government on doing so placed said fund at the disposal of the Junta, so that it might regulate its investment according to the provisions upon that subject, with the understanding that no part of the quicksilver fund should be applied to Jalisco, as it already had a special fund appropriated to it.

The Junta, in consequence, gave all the orders necessary for the regulation of the collection of the said contributions, securing its proceeds; it was receiving them when the Ministry of Hacienda disposed of part of them on the 1st of said December for military purposes.

The Junta, however, could not invest them at once, because the examinations of the mines were still pending, and desiring not only the greatest security of what it had on hand, but also that it should not be unproductive, on the 3d May, 1844, it made a contract with a firm of well known solvency, to receive the whole amount collected in Guadalajara, allowing 6 per cent. interest per annum, while it should remain in their possession, from the time that it should be ascertained in Mexico that the Administrator of revenue who was intrusted with the collection had paid the respective drafts, with the understanding that it should return in the same city the sums received at the end of one month from the date of receiving from the Junta the corresponding notice to that effect; a measure to which is due the conservation of 20,125 dollars, $10\frac{1}{2}$ grains, which there is on hand belonging to the said fund.

On the 15th June of said year the Excellent Assembly of Jalisco issued a decree for the construction of the Jail of Guadalajara, with the funds appropriated formerly for that purpose, that is to say, with those which existed either in money or credits of the contributions collected in the Fairs of Tepic and San Juan, and the sums which might be collected in future for the same cause, and for the imposts on bales, although the latter to continue to be appropriated to the encouragement of quicksilver mines if necessary.

The Junta was compelled, in order to comply with its duties, to call the attention of the Supreme Government to the validity or legality of this decree, because, if it is not mistaken in its opinion, the Department of Jalisco applied the proceeds of the

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imposts treated of, by virtue of the authority conceded to it by the decree of the 14th July, and this was issued in the exercise of the extraordinary powers of the Provisional Government, but which when once exercised it ceased to possess, much more so when the power from which it emanated had ceased to exist since January 1st of the same year; and as the abolition of any decree, made by the Government legislatively, cannot be within the powers of any Departmental Assembly, it is clear that that of Jalisco has had no power to dispose of said funds, although otherwise the object to which it appropriated them be laudable. The Mining Junta consequently has done all in its power to avoid being deprived of them, but without any result to date.

Many were the labors the Junta had to undergo to have the appointment of the commissioners for the examination of quicksilver mines as suitable as possible, without being able to do so more speedily, because there not being among us many skillful experts, there were obstacles to the appointment of some of those we have, which it could not possibly remove; but finally, several having been chosen, the examination of different deposits was proceeded with, having first given the necessary instruction to the respective commissioners.

That an idea may be formed of the results of the examinations made, the Junta passes to treat of this important point, extracting an account of those relative to each Department, with the understanding that it has had to contract very much the scientific part of the reports of the commissions, because to give them more at large it would need considerably more time than it has been able to devote to the formation of the present note, because it would have to be more extended, and accompanied with some plans, and because the Junta is inclined to have them published entire, not having done so already on another occasion, because the Ministry prohibited it on the 11th April, with the view of printing them according to a plan which it had formed for that purpose.

### GUANAJUATO.

To have this Department explored, D. Ignacio Alcocer was elected on the 7th December, 1843, and on the 2d March, in company with his assistant, D. Benito Herrera, he left that city to commence his labors, remitting on the 17th April the corresponding report.

It results therefrom, that quicksilver is found in the haciendas of the Rodeo and San Nicolas del Chapin, in the Pinalillo mountain, Rincon de Centeno, Gigante and Toro mountains, in the mining district of San Juan de la Chica, at the place called Palos Colorados, in the mining district of Pozos and Atargea that in the first, the quartz appearing colored with cinnabar

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but without any indication of a deposit, it should not be taken into consideration, neither should that of the hacienda of San Nicolas for the same reason, nor the mine of Taray, which is situate at that place, and presenting the same appearance; that on the Pinalillo mountain a mine has been commenced to be worked, which consists of a hole (pozo) 3½ to 4 varas in depth, and from which there have already been extracted some small quantities of quicksilver, other investigations more superficial having been made without the empresarios being able to obtain therefrom the expenses of even this; that in the mining district of Centeno is found the ancient mine of Soledad, and three openings subsequently made in the same vein (veta), called del Patrocinio, del Nopal, and de Guanajuatito, the first being for the most part destroyed, and the others worked without any rule, and by searchers, who being deficient of resources, have only been able to extract quicksilver in small quantities to procure with its value a scanty subsistence; that there are still preserved at that place two lime and stone ovens which served formerly to smelt as much as 40 arrobas of ore in each; that on the Gigante mountain, the only mines at present protected are those of Dolores and Guadalupe, both situated in one vein (manto), the thickness of which is from 2½ to 3½ varas, and of considerable length, because it is seen for a distance of more than two leagues; that there is another below the first, and it is probable that there will be several found upon examining by means of a vertical shaft of 200 or 250 varas, a work which the commission thinks worthy of being undertaken, because the works have been prosecuted always in a direction almost horizontal, some rich pockets having yielded as high as twenty arrobas, and mingled with pure mercury to so great an extent that on breaking the mass the texture appears covered with quicksilver globules; that in the mountain called del Toro, there are the mine of this name, those of Capulin and Clavellinas, and those of Providencia and Refugio, with other holes made at other points; that the cinnabar is found in quartz, which it colors more or less, their proceeds giving accordingly different leyes, and the mountain being crossed by various veins which intersect each other in all directions; that the depth of the mine of Providencia is from 3 to 4 varas, and from the nature of the rock in which it is situated promises well-founded hopes; that the mine of Capulin was formerly worked with considerable diligence, and, as it is said, with success, which is probable, considering the expenses incurred in the construction of two ovens, which are preserved and may be repaired at very little cost, and in the construction of other works which indicate an abundance of quicksilver of a paying ley, the only tunnel that can be observed proving the same,

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for the rest are inundated, with the knowledge that the vicinity of the mine, and even on the surface of the earth, are observed very fine veins of cinnabar (en esteatita); that that of Clavellinas is full of water; that that of the Refugio is now beginning to be worked, having a depth of from 8 to 10 varas; that the vein in which the mine of San Juan is situated has the thickness of from two to seven varas, and contains cinnabar in rich threads, of which the thickness is very variable, the widest being commonly half an inch thick; that the ancient works are for the most part destroyed, those only remaining free which are nearest the surface in which the present searchers work; that in the Frayle mountain, cinnabar is found, but in such small quantities that it is not worthy of consideration; the same being the case at Palos Colorados: that in the mine of Guadalupe, in the mining district of Atargea, there are found disseminated nuggets of compact cinnabar, as large as eight inches in diameter, its scarcity not allowing it to pay for working at present, a reason why a vertical tunnel should be made, to examine the different strata of the mountains, and see if those nuggets abound in any one, or if a vein or layer, with a similar kind of products, can be discovered, in which case it would furnish as much quicksilver as the Republic would need. That in the mining district of San Pedro de los Pozos are the mines of Animas, Soledad, and San Rafael, in which cinnabar is found in veins, the width of which are, in the first, from one-third to one-half a vara, and from one to two inches in the second, none being observable in the third, because it is totally ruined; that the assays gave as the result the following leyes: the nuggets of Atarjea without limy mixture (caliza) 27.20 per cent.; those which contain it in small quantities 22.40; the most inferior ores 20.60; the very good ores of the mine of Dolores at the Gigante 4.80; the ordinary ores selected at the mine 3.79; those of Providencia 4.13; the clean ores of the Rincon de Centeno 4; the same in the Pinalillo 2.80; the good earth of the mine of el Toro 2.53; the clean fruits of it 1.13; the common ones of the Refugio 2.40; the choice ores of the Soledad 2.20; the clean ones of the veins of the mine of San Juan 8.20; the ores extracted on the surface of the earth in the vicinity of the Capulin 1.53; and the common ores of that of Animas 1.30: that with regard to the costs of extraction and reduction, as the former vary according to the yield which can be obtained from the entire load extracted with one set of tools (una herramienta), the quantity not being known, because it is subject to the same charges as the tunnels, the commission judged that any calculation it might make on the actual state of the mines would be erroneous, it therefore refrained from doing so, as it could not be made with some exactness, except

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when the works should be regulated, from the probability that at greater depths the veins suffer less variations, preferring for the same reason to calculate the ley which the proceeds must have in order to pay for working, thus starting from fixed dates, which may furnish a basis for the future; that if in this understanding it be taken for granted that of all the quantity of earth produced by one set of tools (una herramienta) only one-fourth be ore, the ley which this should have in order to pay for working, considering the indispensable expenses, is of ninety-one per cent., allowing to the quintal of quicksilver a price of 125 dollars; that the mines of cinnabar, which in their opinion should be examined, as offering well-founded hopes of a good result, are those of Atarjea, those of Toro, and principally those of Providencia and Capulin, that of San Juan de la Chica, those of the Gigante, and those of the mining district of Centeno; but it should not be expected that any of them will immediately yield enough to pay for working them, because all of them have very little depth, it being necessary to acquire it to resolve to incur the necessary expenses, in order to ascertain whether, if at greater depth, the deposits of cinnabar which are in the country become greater or terminate, which at present is ignored; bearing in mind that if the silver mines had been abandoned because they did not pay at a short depth, the Republic would have been deprived of the enormous wealth which they have produced; and that the Junta might appropriate as an avio ten thousand dollars to each of said mines, but excepting that of Dolores in the Gigante, and that of Guadalupe in the mining district of Atarjea, because needing a vertical shaft, the sum allowed to the others not being sufficient for these, it would be proper to enlarge it to twenty-five thousand dollars.

The Junta on the 10th May, with the concurrence of the Ministry of the branch, agreed to commission the Mining Tribunal of Guanajuato to work the mines of Guadalupe in Atarjea, and that of Clavellinas, appropriating twenty-five thousand dollars for the former and ten thousand dollars for the latter, empowering it to acquire the title or contract for the avio, but not allowing it to purchase less than half the barras, and with the understanding that the quicksilver should not be divided in specie, but be sold for account of the negotiation, the contract to be subject to the ratification of the Junta, the Tribunal being entitled to appoint the clerks; it being understood that for the same object, and to maintain (aviar) the mines of the Durazno, which shall be spoken of hereafter, there remained fifty thousand dollars on deposit in that Mint.

With date 17th of the same the Tribunal replied, accepting the trust, and giving notice that the mine of Clavellinas only

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was disposable; because, although it had formerly denounced it, for want of funds it ceded it to the Junta, willingly agreeing to be interested to whatever extent might be desired; which was afterwards reduced to four barras viudas.

On the 11th June the Junta entered into an agreement with D. Manuel Mariano de Cortazar, owner of the mine of Guadalupe in Atarjea, who ceded the said negotiation with all that appertained to it, that the Junta might work, maintain (aviara) or encourage it as it might think best, reserving for himself twelve barras vuidas with the right of receiving in specie the part of the profits that may belong to him, and that of assisting the mine at his own expense, but without interfering in the direction or administration of it; it being agreed, moreover, that the Junta may sell the quicksilver which the negotiation may produce, at fifteen dollars less than the current market price, to cover the expenses of avio and the weekly accounts, after the sums invested in the enterprise have been returned to the funds, leaving the mine, if abandoned, bound to return the amount of the avio, with half the net proceeds which may exist after the last restoration, and the Mining Tribunal being empowered to complete the respective contract, making the explanations that it might think proper; which was done by written instrument executed on the 24th of said month.

On the 23d August the Tribunal gave notice that in Atarjea there had been found two more deposits, one being as good as those which were being worked; and on the 10th October that it had commenced the works at the place called Herramienta at the Capulin, by having produced at an expense of three hundred and fifty dollars about four quintals of quicksilver; that in the mine of the Toro there was a hole, for which the owners required some amount; this having to be bought, because the abundance of its ores would compensate for the scarcity of their ley, giving some profit; that the mine of Palos Colorados should be explored, because of its being in a vein only one side of which has been discovered, doing the same with that of Peña Sentada, which is in a similar condition. The Junta made the necessary dispositions to contract for the mines, the working of which the Tribunal recommended.

Various works have been undertaken therein, but according to the latest information, which reaches to the 17th January of this year, in the Mine of Clavellinas the vein disappeared at 104 yards down the pit; but as it had only lost itself the vertical tunnel (cuele) only is being continued, which is to be of one hundred varas, and which is now six and a half, to reach a good bottom or abandon it; in those of the Toro there are being collected some ordinary ores, but with the well founded hope

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that they will increase as soon as the mines are clear; and, moreover, in the Capulin some ores were obtained, when the vein disappeared, both works of investigation being therefore continued; and in that of Atarjea there are six tunnels, four of which are yielding ores, though as yet not abundantly, with a considerable "ley," for the good ones reach to 53 per cent. and the common to $2\frac{1}{2}$; there having been invested in the whole negotiation up to that date, 18,801 dollars, three reals and nine grains, of which there exists in ores and goods 9,487 dollars, two reals, there having been used only 9,314 dollars, one real, nine grains for unproductive expenses incurred, for the establishment of the enterprise, for the exploration of the mines, and for a small oven which had not been used, it being to be observed that, in the calculation of the stock on hand, six quintals of liquid quicksilver extracted up to that date are not included.

MEXICO.

There were two commissions formed, one for the ports south, and another for the ports north of this city.

The former, composed on the 22d January, 1844, of Sr. D. Rafael Duran and D. Agustin Font, began its labors on the 7th February, and in a report of the 22d, stated, that having examined a tunnel in each of the mines of Negrilla and Santa Gertrudis, at the hacienda of Pregones, in the mining district of Tasco, not doing so with the rest because they were inundated and full of rubbish, they found them little worthy of attracting the attention of the Junta, the "leyes" of the ores being so poor, notwithstanding that the exterior elements are of such a nature, that they might favor the working of them, concluding with the opinion that it ought not to be undertaken, unless in the unexpected case of not finding better mines in the same department.

On remitting its report of the 23d March, upon the results of the examinations it made of the mines of San Rafael, on the Chapitzaco mountain, district of Chilapa, it expresses its desires that the Junta be persuaded that that negotiation promises to supply with quicksilver in a short time all the haciendas for reduction (beneficio) there are in the Department of Mexico, because of its yield being abundant and its vein regular, but although it is still poor, that is owing perhaps to the fact that in our country the riches of our mines consists usually, not so much in the goodness of the "leyes" of the ores, as in the large quantities extracted. It says, moreover, that the negotiation consists of two veins, in which are found four openings almost together, one of those veins being one third of a yard, and the other one yard wide at the place where they were examined; that the second, although it has lost itself, contains vermillion

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very much disseminated, and has been known since 1677 by the name of "Concepcion," and was abandoned after there had been extracted from it 4,000 quintals of ore; that its exterior elements are good, and even a small oven has been preserved in good condition; *that by merely habilitating the works, ten loads of ore per day can be taken out with six gangs of laborers, the cost not being more than two reals and forty cents per quintal, all being capable of being occupied with twenty laborers at least*, whereby perhaps the quantity extracted would proportionally increase, so as not to fall short of *five hundred quintals daily*, if it be considered that the proceeds become of better "ley" as the shafts deepen; for even supposing, which should not be expected, *that the "leyes" continue the same, there would be extracted one hundred and twenty-five pounds of quicksilver per day, and as many more per night, a considerable amount, if it be considered that the mine has been tried* (cata), *and its depth does not exceed twenty-five varas*; that the ores which must have been extracted, as shown by the extent of the excavation, not being found in the earth, this could only have happened by their having been reduced with profit by the workers of the mine, or by their having been afterwards reduced by the searchers, the commission inclining, for various reasons, to belive the latter, and that on considering the plan of a minute examination, it had to presuppose the expenses of timber, ladders, and some drainage and clearing which would amount to one thousand dollars, and needing moreover some time to accomplish it, it confined itself to examining the accessible shafts (labores) and having assayed the proceeds of them, it found the average "ley" to be one-quarter per cent., *it being to be observed that, as the rich ore is the most abundant, the results on a large scale will be better.*

On the 30th of the same it gave notice, that it had not passed to examine the mines of the Joya de Ahuaguacingo, because the parties interested, in their opinion, besides having exaggerated the goodness of the mine, were ignorant of its exact situation; but that having assayed some ores presented to it, the "ley" did not exceed one-quarter per cent.; that as the mining district of Mochitlan, near that of Chilpancingo, indicates in its veins the same formation as those of Ahuaguacingo and Chapitzaco, it is to be presumed that in time there will be found some of cinnabar, for the few civilized persons who may have knowledge of them, no doubt fear to present them, lest they should offend the Indians, *who still entertain towards Mexicans the same antipathy and suspicion which they felt towards their conquerors.*

On the 13th April, it returned from the Cajones mountains, district of Chilpancingo, where it had gone to examine a deposit of native mercury which existed there, as various persons of

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veracity asserted, without having obtained any result whatever from their investigations.

On the 27th, it reported that the mine of Huamuchil, in Ajuchitlan, has been worked without success, perhaps because the speculators had not the requisite knowledge for the reduction of cinnabar; that it is completely destitute of supports (despilarada), and that in two assays that were made, one gave fifteen half drachms to the quintal, and the other three-quarters per cent.; that the veins serve as guides to the miner to find deposits, more or less considerable in the quantity and richness of the ores; that perhaps on account of the bad state of the tunnel (labrados) an opening was designed to be made on the eastern slope of the hill, under the principal mouth, at a distance of two hundred varas in an oblique line, and one hundred and sixty-two in a vertical line, and which is excavated to the extent of twelve varas; that this work in the opinion of the commission is important, and will cost nearly 1700 dollars; that the extraction of ores in the present state of the mine is probably six arrobas per day in each tunnel, and its cost one dollar per quintal; that although the habilitation to work the ancient tunnels, continue those in which the veins have lost themselves (emborrascados), and the two which are producing, would require an expense of nearly six hundred dollars, the commission thinks it useless at present, considering that the habilitation must be determined when the pit is finished, according to the appearance of the vein: that it refrained from detailing the cost of the necessary ovens, because the present state of the negotiation suggesting such a doubtful result, too much risk would be taken by making the expenses at once, and that for the same reason the mine does not merit the "avio" until the vein is examined at greater depths.

On the 14th May the Commissioners gave notice of having examined the ledge (creston), called La Candelaria, in the same territory. From the report, it appears that it is situated on the slope of the Huamuchil mountain, about 400 varas below the level of the old mine; that an assay having been made of choice ores, it produced a ley of half per cent.; that if it is not the same vein at least it is the same formation; that as it promises by its abundance great hopes, being capable of being put in working order from the beginniug at small cost, it should be habilitated; and that by expending 11,643 dollars 4 reals, which might be invested in the construction of a quicksilver-distilling furnace, and 364 dollars per month, supposing the quicksilver to be worth two dollars per lb., the lowest price at which it will be sold in those mining districts, there would be a monthly profit of 155 dollars, even if the proceeds of the mine did not improve.

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Under date of 15th May, they communicated to the Junta, that those of Tecusco in Tlalchapa had been examined; that the hill of that name has various openings on its northern slope, and in an extension of 150 varas; that the vein is about one-third ore, composed of vermillion and other substances, with a vertical depth of not over $8\frac{3}{4}$ varas, and a horizontal tunnel (cuele) of $20\frac{1}{4}$; that the extraction of ores may now reach six loads daily; that there has been commenced a tunnel to meet the vein, the excavation of which reaches 12 varas, there being wanting about 13 to complete it according to the calculation, which may cost 224 dollars; that the commission considers this work of great importance, because it will drain the principal mines, avoiding in some the cost of timber and other expenses; that the ores of one of the mines being assayed it produced a ley of 14 ounces per quintal; that the works (labores) being habilitated and cleaned, there could be extracted from 10 to 12 loads of ore per day, which would increase when the shaft shall have been concluded; that after allowing for the costs of extraction, there should remain a profit of 474 dollars in one month, forty days being required for the smelting, and about 11,707 dollars 4 reals being required to be spent in the construction of a furnace; and that to enable the Junta to form an idea of the advantages the avio of one of the mines might bring, and principally the establishment of a furnace, at least in those places. It is stated that from the mine of Huamuchil in Tlalchapa, to the ledge (creston) of the Candelaria, there are various openings more or less excavated, the ores of which diversely colored with cinnabar, show that all the ground included in that distance, which is not less than ten leagues, contains quicksilver in its bosom, which is also geologically indicated by the rocks composing the hills, believing that above all, by the means indicated, the knowledge requisite for the smelting of quicksilver would be popularized, and the want of which constitutes the greatest obstacle that has opposed speculations, which would have multiplied enterprises, whereby there would perhaps have a richness which the mines examined do not yet show; that upon commencing work in any of them, its director should be authorized to purchase ores, after making an assay and taking the proper precautions, because in this manner a new trade would be opened which would cover those mountains with searchers, to explore all ledges (crestones) they contain, furnishing the furnace with material sufficient for its distillations, and causing to be made more important discoveries, and easy to be investigated by the multitude and impossible to an aviador, no matter how powerful he might be deemed; and that in this way there would be put in motion many mines of silver, which in Tepantitlan, Coronilla, and other



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points are not worked, owing to the scarcity and high price of quicksilver, which had been sold in those days as high as 250 dollars the quintal.

The commission suspended its labors on the 23d May, in view of the difficulties of continuing them, arising from rainy weather, the examination of some of the mines remaining pending.

The Lieutenant Colonel of Artillery, José Manuel Gonzales, having been appointed on the 15th January, 1844, to examine those of the Department of Mexico, to the north of the Capital, and those of Michoacan and Queretaro, he departed to comply with his charge on the 26th of the same, beginning his labors in those of the latter place, but he suspended them for various reasons, so that the part of the Department of Mexico referred to has not yet been examined.

MORELIA.

The Commission on the 8th March reported that the mine of the Canario, situate on the rancho of Zapote, jurisdiction of Tusantla, produced ores which indicated a rich deposit of copper rather than of cinnabar, for it appears only in very few places, and that vein being $\frac{3}{4}$ wide, and being moreover hard, and operatives wanting for the work, such difficulties would render the extraction of its ores expensive, unless the appearance of the vein should vary at a depth of 12 or 15 varas.

As appears from the report of the Commission on the 25th of the same, a deposit of cinnabar, situate in the mountains of Tepustepec, to the northeast of Maravatio in the cañada named of the Indian, was carefully examined; and although at the depth of three varas it does not present any formal vein, there are so many small veins from 4 to 8 fingers and upwards in width, in different directions, and inclinations to the horizon that, appearing more like a pocket (rebosadero), it required a diligent exploration, considering the abundance of its ores and its appearance, this not being the only point at which cinnabar shows itself, for it appears in several places in the samecañada, within an extent of two leagues which was examined.

But as the Commission stated that, although the ores were of short ley, the deposit was absolutely virgin, the Junta in view of these and other considerations, as that the veins were so abundant and soft, that any laborer with the assistance of a crowbar could extract as much as 20 loads in a day, resolved on the 28th of said month that there be executed divers and ample works of exploration at the best parts of the deposit.

Pre-supposing its cost to be 1085 dollars, 6 reals, some works were began, but the ores not showing any better ley than that of $4\frac{1}{2}$ ounces per quintal, and there having been expended up

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to the 16th July, 570 dollars, 4 reals, on the 17th August it ordered the suspension of the works, and that the Commission present its scientific report and the corresponding account of expenses, which up to the present has not been done, notwithstanding that the Commissioner has been repeatedly requested to do so.

Some months before, the rancho of Santa Barbara in the jurisdiction of Jiquilpan had been examined, without obtaining any result, as appears from what was stated by the commission on the 29th March; the examination of the Cañada de Garcia, Astillero hills, and Joconostle in the Maravatio hills, being also useless.

ZACATECAS.

Señores Dr. D. Ernesto Berger and D. Antonio Blanco being appointed to act as the examining commission of the same department, on the 29th of January, 1844, they began their labors on the 1st February at the mines of Tequesquite, concluding them all on the 11th March.

According to the respective report, an extensive valley, bounded on the north by the hills of the Ventanillas, on the west by the San Pedro mountain, on the south by the Gatos mountains and others which have no name towards the plain of Las Mangas, and on the east reaching to the river Melilla, is that which contains in its bosom the veins of quicksilver of said mining district, the "ley" of the ores which some of the pits produced, although they will probably improve at a greater depth, according to assays made with the choicest of the earth, is as high as 8 per cent.; but generally of $1\frac{2}{3}$ to 3 per cent. of quicksilver. For two years the Bolaños Company has worked them, during which time they advanced 160 varas along the vein, and made a vertical shaft of 64 varas, and as the deepest pit according to the traditional accounts only reaches to 60, the body of the shaft is forty varas deeper than the deepest cavity. There are five other shafts which are situate at a short distance from each other, which could not be examined to a greater depth than ten varas, they being inundated. Judging by the visible works of those which are not so, it may be believed that they were all projected and executed with as much premeditation as judgment, suggesting the inference that the company abandoned them in the year 1841, seeing the poorness of their ores, and that the earth becomes harder as the depth increases. The commission, to form an exact estimate of the costs the new encouragement and working of these mines would require, considered it necessary to examine them after they should have been drained, because it considered it probable that below the water the excavations are in a ruinous condition, it being consequently indispensable to completely timber the pit and provide

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it with windlasses. As there are no suitable factories, or buildings, which might be used by the negotiation, because the repairs of those there are would cost as much as if built anew, it calculated that at least 40,000 dollars would have to be invested in repairs, the acquisition of utensils (utiles) and the construction of two furnaces, each of which would produce, with ores averaging a "ley" of 2 per cent. of quicksilver, 800 quintals a year, supposing that at a greater depth they should continue in the same state, so as to count upon an extraction of 26,000 loads in the same time. The Commission finally observed that great profits could not be expected, and that only in case that at greater depths the ores become regular, a company with a capital of not less than 70,000 dollars might be sure of always obtaining a fair profit; but as the working of the mines would be very beneficial to the nation, even supposing it should only make expenses, it affirms *that money employed in them would not be lost.*

The mine of the Carro, situate on the San Miguel mountain, on property of the hacienda of the same name, in the opinion of the Commission is the same which, as it is said, produced in former times so much cinnabar, that the jealousy of some Spanish employés was excited in favor of the monopoly of the mother country, and in consequence it was covered up, as Gamboa stated in his Commentaries, although the work had ceased when the prohibition arrived, for having advanced 20 varas and being six in depth along the vein it narrowed down to a few inches, without containing any cinnabar whatever.

In a few years after a company was formed to examine it at a greater depth, commencing a pit to intercept it at 80 varas. It could only be accomplished at 85, but it was only five inches wide, and without any vestige of ore, for which reason was abandoned a work which the enterprising genius of D. Rafael Carrera caused to be continued to the length of 211 varas, without obtaining the results he expected, and the production being reduced to the loose ore which some poor persons gathered, and to the proceeds of various insignificant little veins; but three years ago one of the redemptioners (rescatadores) found, at about 600 varas to the east of the old mine, and almost on the surface, a considerable deposit of cinnabar, which the same D. Rafael bought and worked, following the inclination of the strata to the depth of 18 varas, at which the ore disappeared, having extracted six thousand loads, which contained on an average $1\frac{3}{4}$ per cent. of quicksilver, and five thousand of which being reduced, produced 16 thousand pounds. The "empresarios" with extraordinary activity and constancy, opened another pit of 230 varas, failing utterly, and without obtaining anything but the conviction that the strata which are

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very rich on the surface lose their ore in the interior. He still intends to continue the pit works which can give him no good result, and he should rather continue his labors upon the strata which formerly yielded a profit; an opinion which has been since confirmed by experience, as much as 200 loads of mineral earth having been found in some of them, which has been extracted from a pit of 4 varas, and which has a "ley" of 3 per cent., bearing in mind that the cinnabar is found on the surface, and that the only stratum which contains it in great quantities is insignificant, the formation in which it is found not being extensive, the Commission thinks that at best there may be expected a yield of some hundreds of quintals of quicksilver in the year, but that it never will be permanent.

The mining district of Pinos, situated southeast of the city of the same name, is composed of four deposits of quicksilver, named el Refugio, San José, Cayassu and San Pedro. A few years ago, in the first of them, a deposit (ojo) of native mercury was found, but it was not of importance, for when it was worked out they could not find in the vein quicksilver ores, which causes the belief that its presence may have been owing to casualty. The second, which is constituted of a simple pit of four varas in depth, is abandoned, although it presents some vestiges of cinnabar. The third contains it, but in quantities so insignificant that the works have been made to cease, although it contains some ores of one-half per cent. of quicksilver, and with the knowledge that to make a deep search a pit has been sunk of more than sixty varas, without having obtained a satisfactory result; and in the fourth there are small threads of one inch in thickness, which have begun to be worked, six or seven loads being taken out weekly, with a ley of two and a half per cent. The Commission is of opinion that the deposits in question can scarcely produce from fifteen to twenty loads of ore per week, the ley of which on an average of one and three-fourths per cent. will yield three or four arrobas of quicksilver; it being always necessary to sustain a multitude of exploring works, with the risk of the expenses sometimes surpassing the proceeds.

The Commission gives no importance to the quicksilver mines of San Cosme and Bañon, the first situate about fifteen and the second about ten leagues east of the Fresnillo, because it considers that the vividness of the color of some ferruginous substances has occasioned that; supposing it to be cinnabar, some speculators have opened various pits at three leagues southeast of San Cosme, there being not even an indication of the existence of cinnabar, except at about a quarter of a league east of the town, where there is a quartz vein, with a sprinkling of cinnabar; the mines of the hacienda of Bañon being still less

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worthy of attention, because, although they have produced some arrobas of quicksilver, they are far from being equal to the former, for which reason they are abandoned; as well as other deposits in said mining district, all of which are of little consideration.

JALISCO.

Under date of 28th March, the Junta charged the Commission of Zacatecas to examine the cinnabar mines of said Department, and by a report of the 12th September, it gives an account of the result of its labors, during the period which elapsed from the 25th of April to the 30th July.

The Rancho de los Huages is situate three leagues to the west of the hacienda of Santa Rosa, and six to the south of the mining district of the Mesquital del Oro; cinnabar ores are found there, of which the best ley is three and a half per cent. of quicksilver, the veins being so narrow and mutable, that large works never can be formed in them. These mines were formerly worked, but without the proper skill, and afterwards a Guadalajara company worked them; but Dr. D. Ernesto Berger has predicted to the speculators a bad result, because in his opinion the mines are very poor, and the ores of a fair ley are so scarce, that he calculated there would not be ten arrobas taken out weekly, even if a great many laborers should be kept at work at different points on the hill, the capital invested in them remaining, therefore, lost forever; while D. Antonio Blanco, considering the short time the commission stayed in that mining district, was of opinion that, before deciding upon its importance, it would be proper to search the interior and examine upon the northern side the point of intersection of two ridges or crests which existed there.

In the Capula mountains, between Chiquilistlan and Tapalpa, is situate the Martinez mining district, which produces cinnabar in an extent of about two leagues, and from which, each year, is extracted a small amount of quicksilver. There have been and are being made, in the opinion of the Commission, many unprofitable excavations upon ground about two-thirds of a league square. Its principal mines are the New Almaden, the Mercurio, Refugio, Saucillo, Manto, and Socorro.

Under the mistaken belief that these veins were regular, the ore of which produced from nine to fourteen pounds of quicksilver per load, a Guadalajara company bought and worked the mines, with a capital of twenty-eight thousand dollars, divided into forty-eight shares of six hundred each; but before assuring itself of the existence of the metallic products, it caused an enormous furnace to be constructed, at a cost of twenty-three thousand dollars, exhausting thereby nearly all the disposable capital, and confining itself to working with the rest

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the mines of Almaden and Mercurio, which becoming very soon unproductive proved not to be regular vetas. The Director of the company then acquired the Manto mine, in which had been found near the surface a pocket of cinnabar, the ores of which, as it is said, gave twenty pounds of quicksilver per load; but as the furnace had been constructed to smelt those of Almaden and Mercurio, these being abandoned, it remains badly situated, because the expenses are increased by the conveyance of the ores to a distance of one league over a bad road.

At different points there is very poor ore, and in some places only there have been found occasionally pockets, rather large and of good ley, which irregular distribution makes it unprofitable to undertake works to discover them. One was worked out in the Manto mine, which was about six varas in length and about three in width, giving a considerable quantity of ore, with an average ley of four per cent.; another being still larger than the first, and its ores it is asserted gave twenty per cent. of quicksilver, whereas those of the eastern one only produced three per cent. Said pockets being worked out, a small vein of cinnabar in the Del Manto mine was continued to be worked, which led at a very short distance to the discovery of other pockets, in which the ley appeared reduced to two per cent., although the yield of ore was considerable, there having been afterwards found a series of pockets, the same small vein continuing as far as the works have reached, which probably indicates the course to other pockets of ore.

As early as the 5th April, 1843, the mines of Almaden and Mercurio were abandoned, on account of having lost, as it is said, all signs of quicksilver. It is that of the Manto which has furnished the ores that have since supplied the furnace, the quantity of these being, from April to August, inclusive, 2,736 loads, with an average ley of 7 pounds of quicksilver to each one, the proceeds of which therefore would be 19,152 pounds. Of that amount there was lost in the respective operations 14,047, which is equivalent to 73 per cent., it not being strange that in such a method of reduction the company should spend to the 8th September of the same year 34,113,44, or 5,313,43 more than its original capital. The disbursements consequently rose to 710 dollars 69 cents per share, and it occasioned such discouragement among many of the shareholders that the company would have been extinguished, had not two commercial houses allowed themselves to be persuaded to give to each of the existing shares a value of 800 dollars, binding themselves to expend a sum equal to the original capital for the acquisition of half the property and rights of the company, there being invested of the new capital up to May, 1844, $4,447,67; but just as it was re-organized, the pockets of the Manto were

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exhausted. The Commission has proposed to the empresarios new works of probable and good results, confident that the proceeds would pay for the working, would yield to the company a fair interest, and to the country a quantity of quicksilver from its own soil; that there would be obtained moreover exact data to calculate how far the speculations should be extended in the mining district of Capula; but for this it thinks it necessary that the method of reduction should be varied, and the furnace abandoned, because the great losses of quicksilver which have been experienced, are owing solely to its bad construction, the mode of reduction by retorts with recipients like those in the Palatinate, Bohenúa and Transylvania, should be adopted.

The Commission has not calculated the quantity of quicksilver these deposits may yield each year, nor its cost, because this requires other data which time alone will supply, but it wishes, and with reason, that it be borne in mind that, to the present, bad as has been the work of the furnace, the reduction of ores with a ley of 1 per cent. of quicksilver has paid its expenses.

The mines of the Saucillo and Socorro, the ores of which are poorer, are being worked superficially by operatives who do not timber the pits, have not to invest any sums whatever in payment of laborers, but who make the reduction in earthen pots, losing thereby the metallic vapors to such an extent that of ores of a ley of 2 per cent. they obtain $\frac{3}{4}$, so that nearly $\frac{2}{3}$ are lost. The quantity of ores gathered from these mines is unknown, because the owners do not weigh it, and they confine themselves to selling quicksilver by the pound, at 10 or 12 reales per pound; the Commission, which took for a data the time which it stayed in the mines, calculates on 3 arrobas being the weekly proceeds obtained by such poor empresarios.

Very flattering hopes were entertained, in the previous year, of gathering considerable quantities of quicksilver in the place situate to the east of the City of Aguas Calientes, near the hacienda del Puesto, district of Lagos, Mariquita mountains, owing to there having been found in it very rich ores; but Dr. Berger, who examined the deposit, in a report of the 31st October, 1844, does not consider it capable of giving important proceeds.

He says that the speculators suffer frequent deceptions, as it has happened to them, for example, in the mine of the twelve Apostles, that after going a depth of nine varas through worthless earth, have enthusiastically continued the work because the earth began to color, a circumstance due to the rock being at that depth impregnated with iron, but which was thought a

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sure indication of the existence of the ore; this being the history of nearly all the mines that have been opened, and they are more than forty in the space of one square league, for in the greater part of them not even a vestige of quicksilver has been found; in some, very little; in three, small pockets of good ore, only one of which has produced it in quantity sufficient to merit any consideration.

The mine in question is called San Romualdo, is the most ancient, and belongs to a company of private persons. It was worked in the previous year, and at the end of October, when the Commission made its report, it was 40 varas in depth. The ores were found at the distance of 10 to 12, the same as in the mine of Providencia, so that it is to be expected it will happen, as it did with that of Bufa, that immediately below the surface it will disclose excellent pockets of cinnabar, and of those called San Francisco, the Esperanza, San Lorenzo, Los Tierros, and San José, which present a similar aspect to that of those deposits, the rest not indicating any importance whatever in this respect. There is no vein or stratum observed in them, except that the cinnabar appears in the rock, penetrating it at different points, but in such a manner that in some places it is found almost pure, forming pockets from the 1-16th part of an inch to a foot in diameter; they rival in beauty and richness the best in the world, but in such small quantities that in the nine months the mine which was most worked produced from 700 to 800 quintals of metal only, with an average ley of 12 per cent. of quicksilver, notwithstanding that some pieces contain from 50 to 70. The production, which probably amounts to 30 loads per month, is small, not because of the smallness of the mine, as happens in the new ones which are opened upon regular veins or strata, but because there being no ores in the depths, and the pockets being irregularly distributed on the surface, and being commonly scarce and small, permanent proceeds should not be relied upon; for which considerations the Commission is of opinion that, of those mines, only that of San Romualdo promises a temporary existence, and never one of long duration.

### SAN LUIS POTOSI.

Under date of 2d February of the same year, the Junta resolved that said Department be examined by the Commission of Zacatecas, and the latter therefore did so, the result being reported separately by Dr. D. Ernesto Berger on the 12th, and D. Antonio Blanco on the 30th September.

The Commission think with Baron Humboldt, that the mine of the Durazno has great celebrity, not for its riches, which are less than that of the vein of San Juan de la China, but only

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because it can be worked in an open cut, and it has produced a great deal of ore, such being the production at the end of the last century, that there were extracted in a few months from 70,000 loads nearly 700 quintals of quicksilver, but as the ore only had a ley of $\frac{1}{8}$ per cent. the expenses were not covered, and it had to be abandoned; but it is to be noticed that, at that time, the quintal sold at 41 dollars; that the proceeds did not amount to more than $28,700; that the value of $3\frac{1}{2}$ reals which this gave to the load of ore did not cover the expenses of the mine, which was liable to fall in, of drainage, and the high price of fuel; and that when subsequently the price of quicksiver rose to 150 dollars, first on account of the Peninsula war, then the Revolution of Independence, and afterwards on account of the monopoly of the same article held by an English firm in Europe, the Durazno again attracted the attention of speculators.

In the beginning, the poor people of the vicinity, perforating the ground, extracted the ore and reduced it in pots. Therefore, there is no exact account of the production, nor has the mine the proper solidity, on account of the falling of the timbers, and the disorderly manner in which the pits were worked, its ruinous condition causing the sacrifice of several lives, and some capital; but a company formed in the Capital of the Department in the last few years, sunk a shaft, drained the mine, and constructed two furnaces for reducing, but with such bad result, that it finally had to abandon the negotiation, losing about 30,000 dollars.

It left a shaft commenced, which was continued to a depth of forty varas, in search of another vein, but without accomplishing the object. This work, in the opinion of the Commissioner is as useless as the idea of continuing it is extravagant, for he is induced to think so by various geological (geonosticas) considerations; because in his opinion, the vein is worked out in all its known extent, because there is no reasonable hope of enlarging it, and because that of finding another is chimerical, according to his scientific knowledge.

He says moreover, that the presence of cinnabar is not limited to the vein, for to the south of the Durazno there is an infinity of very wide quartz veins which contain it, there being among others one which is situate at the end of the plain, which has been worked at four different points; because the little importance attached to the pit has caused the sides of the vein to be left unexplored, and therefore the inclination unknown; producing quicksilver in such small quantities that it does not allow it to be worked.

The mine of the Pedernal has merited from the Commissioner the greatest consideration. Its quartz vein of about 16 varas

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wide, and which is worked by the same company that abandoned the mine of the Manto, contains the mines of Blanca, San Roberto and the Grande. Cinnabar is found in little veins (cintitas) from the 1-16th of an inch to 3 inches in width, these to the number of six or more frequently uniting, and again separating or becoming entirely extinct; but as there is no regularity in the course, inclination, appearance and termination of these little veins of earth impregnated with cinnabar, their course is followed in any direction however irregular, without any advantageous results being obtained therefrom.

Besides these mines, which produce very little ore, the company works a pit called of San Andres, commenced at 160 varas from the mouth of the Mina Grande; useless work in the opinion of Dr. Berger, because it is not suitable for examining the vein, nor for draining, the mine being dry. The work in all of them is done with crowbars, rarely with wedges and picks, and as powder is not used, some profit is made from the weekly extraction of 35 loads, of 7 to 8 pounds of quicksilver each, on an average. From the middle of November, 1840, the ores of the Pedernal only have been smelted, which yielded to July, 1844, 8,274 pounds 15 ounces of quicksilver, the quantity which produced it not being determinable, because it is not weighed. Still, an approximate calculation induces the belief that 2,415 loads and 8 arrobas would be required, it resulting from the division of the time into several periods, that the production increased in the second four times more than in the first, and in the last 8 per cent. as compared with the second; that there was taken from each load 3½ pounds of quicksilver, and that there was lost in the reduction more than 50 per cent., which is equivalent to 9,000 pounds in three years and a half; a waste which might have been avoided by improving the mode of reducing by some method like that of Dr. Ure, thereby at a cost of 3,000 dollars, enabling the enterprise to pay by saving a larger quantity of quicksilver.

The principal difficulties which the mining district presents consist in the want of fuel, and yet the Commissioner understands that the nation ought to protect the enterprise, because it is one of those which, although it may not be profitable to the "empresario," will be of obvious public utility, for the greatest possible extraction of quicksilver will confer upon the country incalculable advantages. It does not think that, therefore, the Junta should enter into relations with the company, but only continue the vein of the Pedernal outside of the company's possession, where it has not been examined, for it is manifest that that ledge contains cinnabar at different places; and moreover, there are in all the district a considerable number of similar veins, which might be examined by testing samples,

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and without any other expense than that of three to four thousand dollars, even if all the works of investigation should not be undertaken which the ground requires.

CHIHUAHUA.

Under date 18th March, of last year, the Junta appointed De Castulo Chaves to examine quicksilver mines in said Department; and although the mining districts of Canelas, Batopillas and Morclos have not yet been examined, it is assured that in the Mogollon mountains, at the rivers Gila and San Francisco, not only is cinnabar found but native mercury; there has already been discovered a deposit (criadero) to the east of Jesus Maria, at the place called Casas Coloradas, at about six leagues in the same direction from Batopillas, and three to the north of Arechuivo, at which place the cinnabar appears in isolated grains as much as an inch thick, in an extent of 60 varas in length and 20 in breadth, but only on the surface and in small quantities.

The "ley" of these grains is 80 per cent.; and as notwithstanding the scarcity of them, a more formal exploration might give a more abundant yield, the Junta ordered it on the 1st October of the same year, and up to date it has not been accomplished, because, besides some difficulties which happened to the Commission, there yet remain to be overcome those which are presented by the incursions of the savage Indians.

SONORA AND SINALOA.

D. Florencio Monteverde was appointed by the Junta on the 27th January of the same year, to examine the cinnabar mining districts of said Departments, and after accepting the charge, he represented in a note of the 17th April, the necessity there was that the revolution should end, and that the weather should change, to enable him to set out on his journey with success, and that in the meantime, he would procure for himself data as to the existence of cinnabar in the mining districts of Rio Chico and Tamasula of Sinaloa, for although it was rumored that in the Apache country there were sources of quicksilver, contradictory statements made it doubtful, the more so, as that article is not known to exist anywhere in such abundance in its native state.

On the 2d October, he stated that he continued collecting information; that he had been informed of there being a deposit in Alamos; and that to acquire all the necessary information more time was necessary.

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The Junta appointed D. Rafael Chovell on the 12th June of the same year, to examine the deposits of cinnabar of these Departments, specially recommending to him the mining districts of Vallecillo, the Iguana and Villa-Aldama, existing in the first named Department; and on the 7th July, on manifesting his assent, he proposed, and it was approved on the 24th July, that D. Patricio Flores be his assistant in the Commission.

Up to the 14th November, when he was furnished with the necessary resources, he was not able to commence his labors; and, as during three months the Junta has not received any information whatever, on the 7th inst., it finally resolved that those resources be suspended, and that the commission give an account of the results of the works undertaken.

The Junta has completed a review of the explorations which have been made, even subsequently to the dates fixed in article 4 of the law, not only for the purpose of making investigations but to decree the avios; a thing impossible to accomplish, in view of the shortness of credit, and other obstacles which presented themselves.

The funds lately appropriated to the encourgement of mines are two; the proceeds of one per cent. on the circulation of coin, and 130,000 dollars a year, which in proportional monthly installments the Maritime Custom-Houses of Vera Cruz and Tampico were to remit to the Junta.

The Junta being authorized, by article 11 of the said law of the 25th September, to collect the duty imposed on coin, by means of the Commissioners it might deem suitable, it examined various projects to systematize the collection with the greatest possible economy and security, and finally it had to intrust it to the principal administrators of the revenue, notifying the Supreme Government thereof on the 29th of the same month, so that the corresponding orders might be dispatched by the Ministry of Hacienda, which was done on the 30th, it being ordered that the sums received from the date of the law for said duty should be invested as the Junta might direct; on the 12th October, it had the satisfaction of seeing that the circular issued by the Direction general of excise and direct contributions to give instructions to the administrators, was conformable to its desires, regulating the collection and the liability of those thereby made responsible, and afterwards, of seeing proven by experience that the method established, if not the best, was at least the best adapted for the security of the funds, under the circumstances which surrounded the Republic; for with the exception of a robbery committed on the Administrator of Sinaloa, by which were lost 14 dollars, 3 reals

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and 3 grains, and the delinquency of the Administrator of Nuevo Leon, which appeared at his death, the 549 dollars, 2 reals and 3 grains which he should have had on hand not being found in the safe, of which sum part may yet be collectetd, he rest of the proceeds, the gross amount of which was 156,199 dollars, 4 reals $1\frac{1}{2}$ grains, has been collected with regularity by the same employés, there remaining only to be remitted some of the accounts for the last months of the year; the account of the balance on hand in several administrations amounting to 6,345 dollars, 2 reals $6\frac{1}{8}$ grains, and that of a few other small amounts of which nothing is yet known.

Still the fund has had a different application for the most part, because the Junta has found itself obliged to meet some supreme orders upon it, and also because it has not been possible for it to prevent the use of various sums, with or without authority, by the chiefs of various departments.

The Junta made various efforts to secure for itself the drafts which the Maritime Custom-Houses of Vera Cruz and Tampico were required by law to remit; but all, as well as the multitude of expositions it made at various dates to the provisional administration, that it might be pleased to expedite them in view of the importance of the object to which their value was destined, have been almost ineffectual for from the first of said offices only, has it received 32,244 dollars and $\frac{1}{2}$ grain, instead of 164,904 dollars 10 grains, which by both together should have been remitted to the end of December of the former year, for which reason there remains a balance of 132,660 dollars $9\frac{1}{2}$ grains.

The details of the collection and investment of the funds appear from the resumé which the Junta has the honor to present to Your Excellency herewith, numbered 2, which shows that to the end of said month the expenses of administration amounted to 18,755 dollars, 7 reals, $2\frac{3}{8}$ grains, or what is the same, $5\frac{7}{8}$ per cent.; that in the examination of mines there has been expended 14,856 dollars, 5 reals, 3 grains; that the avio of some of the mines in Guanajuato amounted to 20,120 dollars; that to the college there has been paid 30,900 according to the 25th article of the law of the 5th October, 1843; that the Supreme Government owes, in case it be declared that the 34 thousand dollars, which His Excellency Sr. General D. Antonio Lopez de Santa Anna took at the mint of that department should be paid by the Public Treasury, 232,018 dollars, 2 reals, $3\frac{1}{2}$ grains; and that of the 339,951 dollars, 3 reals, 4 grains, which is the total amount of installments received and which should have been received, it only had on hand 7,960 dollars, 4 reals, $7\frac{1}{2}$ grains, belonging to the general fund,

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20,125 dollars 10½ grains to the private fund of Jalisco, but owing 22 thousand dollars to a commercial house.

With the view of gradually paying to the fund the sums which have been diverted from the purposes to which the law appropriated them, the Supreme Government on the 24th July ult. ordered that the Maritime Custom-Houses of the South should proceed forthwith, and without any failure whatever, to deliver to the Commissioner whom the Junta might appoint for that purpose, the half of the proceeds of the average duty, there being appropriated to it moreover, as collateral security, with a request and authority to realize it, the draft drawn by the sindico of the creditors (concurso) of Zambrano in Durango, against D. Juan José Zubizar, for the sum of 17,500 dollars to itself any balance which might remain due to it; but of the said duty it has received during the present year the insignificant sum of 590 dollars 73 cents, and the draft, before being remitted to it, was appropriated by the provisional administration, in compliance with a contract made on the 23d October; the Junta being ordered to designate another credit of a similar class, which to the present time has not been done.

From all that has been stated it is easy to deduce: 1st, that if the legislative provisions dictated during the former Administration for the benefit of the quicksilver branch have not been entirely complied with, it has only been because some modified the others, tacitly or expressly, and those which remain in force require more time to produce all their results; 2d, that as to those relative to the acquisition of Spanish quicksilver, the grounds upon which they were based have lost none of their solidity, because the peculiar circumstances of the times prevented their realization; 3d, that those relating to the exempting from excise duties of goods for consumption in the mines, require some explanation, so as to accomplish in all their parts the laudable end for which they were issued; 4th, that the Departmental Junta of Jalisco should leave to that of mining, the free use of the funds designated by the decree of 10th November, 1843, for the encouragement of cinnabar mines in that department, until that of the 15th of June, 1844, made by its excellent Assembly, directing them to be invested in the erection of the jail of Guadalajara, be repealed or approved; 5th, that the examination of deposits of cinnabar in the Republic has been made, although incompletely; 6th, that it is the interest of the nation to continue it; 7th, that the examinations which have been made are sufficient to prove the existence of cinnabar in the country; 8th, that the avio of some of them must yield profit, that that of others will pay expenses from the beginning, and that by many there will be no loss

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when new roads are opened, and the price of articles of prime necessity becomes less, and better reducing apparatuses are adopted; 9th, that only some mines have begun to be worked, and not all that are worth working, because the Junta has only been able to dispose of a small part of the funds appropriated to it for that purpose; 10th, that latterly the collections of those funds have been made with great regularity and economy.

The evils produced in the Republic by the want of statistical data relating to nearly all the branches of the national administration, are felt also in that of mining. The Junta, although it has made every effort in its power to destroy them, has done so in vain, and for that reason it is impossible at present to determine with exactness the average yearly consumption of quicksilver in the Republic; but be it what it may, it cannot be denied that it uses the greater part of that produced by the European mines, and because it also supplies the most gold and silver for coining. Neither can there be any doubt *that mining is the principal agent to whose action the increase of our agriculture, industry and commerce is subordinate*, and if its production is arrested the public injury will be of unlimited transcendency.

With the view of preventing it, the nation should make great efforts, and the Supreme Government should direct and protect them.

The mines of the country being worked by the public administration, and by private enterprises, we will perhaps see realized the flattering prophecy of Baron Humboldt as to this America not needing the importation of European quicksilver; but some years must yet pass before the nation will arrive at the state of being able to enjoy such advantages.

Meanwhile it must furnish itself with enough of that article to meet the demand of consumers, which cannot be supplied from Mexican deposits (criaderos).

There are left to it two modes of accomplishing it: the one to contract for the Almaden quicksilver as soon as the present contract terminates, preparing in due time the funds and other elements necessary to obtain it; the other, to buy each year the indispensable quantity of quicksilver, but from the house itself which may have the contract, so that, as the evils consequent upon the monopoly cannot for the present be avoided, great losses at least will be diminished, making the mines the recipients of the profits which commerce naturally obtains, by bringing it to the country for its own account.

The encouragement of its mines requires the investment of some funds; they are also necessary to contract for the Spanish quicksilver; others are urgently needed to supply, for the present, the mining districts with the quicksilver which they re-

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quire, and which they now have to buy at such high prices, that the common ores not being able to bear the expense, they limit themselves to reducing only the rich ores, occasioning thereby an immense injury to the national wealth.

The funds which the former administration left to the Junta, if not for all, for some one of those important objects, are going to disappear with the repeal of the decree which imposed the duty of one per cent. on the transportation of coin from one Department to another.

The Junta is very far from censuring the resolution upon this point, of the august Chamber of Deputies, because it is sustained by justice, a well considered economy and the distressed situation of commerce; but it cannot do less than call upon the Supreme Government, with all the energy which the sad situation of Mexican miners demand, to the effect that, bearing in mind the innumerable reasons which claim protection for the national mines, it be pleased to initiate in Congress the corresponding measures, so that another equivalent fund be established for the said fund of one per cent., enlarging as far as possible the resources and powers of the Junta, so that it may have the ability to accomplish the very interesting objects which it has stated.

In its opinion no fund is more analogous or more suitable than that created by the law of the 22d November, 1821, in its 6th article, and it consists of the three per cent. paid by gold and silver, because as it is paid by mining there is nothing more just than that its proceeds should be applied to the encouragement of mining, not forgetting that with it are found intimately connected the greatest interest of public prosperity.

The Junta does itself the honor of renewing to your Excellency its protestations of distinguished consideration.

God and Liberty. Mexico, 22d February, 1845.

JOSE MARIA BASSOCO, President.

JOSE MARIA CASTERA, Secretary.

Most Excellent Sōr. Minister of Justice and Public Instruction, Don Mariano Riva Palacio.

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No. 1.

JUNTA FOR THE ENCOURAGMENT AND ADMINISTRATION OF MINING.

Most Excellent Sir:—The Sōr. Auditor, charged with the general direction of Excise and direct contributions, seeing in article 1st of the Supreme Decree of the 24th May ult., what is provided by the Most Excellent Sōr. Provisional President to



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secure the most punctual observance, as far as they relate to the quicksilver mines of the Republic, of the Royal Orders of the 13th January, 1783, 12th November, 1791, 6th December, 1796, and 8th August, 1814, touching the exemptions from excise duties which they grant to articles of consumption in mining, deemed it proper to circulate with the same decree the orders cited in said article 1st.

Comparing their contents with fifteen other circulars, issued in the time of the Spanish Government, relating to privileges granted to the branch, he found that they approved or referred to other measures, in which were included not only those touching the present case, but others relative to different matters; it therefore became necessary to select what related to exemption from excise duties.

This done, he directed to the Ministry of Hacienda a sketch (minuta) of the circular which he considers suitable to be addressed to its subalterns, and in which is contained a compiled statement of the articles exempted from excise, with the view of avoiding the confused interpretation which might be given by some functionaries to those sovereign provisions.

As several articles to be exempt from duties were named in them, although by the phrase "and others" they make it extend to those which are used directly in the working of mines, or reduction of their ores, or for drainings, the said Sōr. Auditor understands that by the word "others," the other articles exempt remain undetermined; which in his opinion gives rise to doubts, questions and inquiries, which can be avoided by holding only those goods free which are named in the orders, and which are also included in the sketch (minuta) of the circular he proposes, so that being approved it may be directed to the subaltern officers of the Direction, having it moreover published through the medium of the government journal.

In the same circular he makes the judicious observation that the liberty given to national quicksilver to be transported without guide, pass, or other custom-house document, also includes foreign quicksilver, as the law does not distinguish between them in any manner whatever.

Referring to the Royal Order of 8th August, 1814, providing that the privileges accorded to mining should be extended to the districts of the subaltern administrations and depots of the mining towns or districts, he says that a very broad and injurious construction might be given to the said exemption, considering it therefore necessary to explain that the privilege or exemption from duties is allowed in the district of the custom-houses or depots in which quicksilver is extracted, an opinion which is in conformity with the declaration made by the Vice-Royalty upon inquiry made by the revenue department on the 21st

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August, 1798, in which the conclusion is arrived at, that *for the purposes of exemption from excise duties of goods and utensils for mining, the administrations and depots in the districts in which the mines are situate must be considered mining towns.*

He also thinks that the administrations should be notified, that as the exemption is confined to the excise duty they are to continue to collect the other imposts, such as the half of one per cent. for mercantile tribunals, municipal dues and others not of the class referred to.

Finally, the said Auditor's Office summing up its opinion, advises:

1st. That under the names of tools, utensils and avios, it be understood that those only are exempt which are referred to by name, not adding the words "and others," which are contained in the decree of the 24th April, 1781.

2d. That national as well as foreign quicksilver be transported without guides or passes, even from the maritime and frontier custom-houses.

3d. That according to the understanding of the Royal Orders of 8th August, 1814, the exemption from excise duties is for introductions into or sales in the district of the custom-houses, depots, or sub-depots, where quicksilver is extracted.

4th. That the exemption is only from excise duty, and not from the half of one per cent. for the mercantile tribunals, municipal or other dues.

5th. That foreign steel or iron for interior consumption, are free of duties, but not from that collected at the ports where they are landed at their importation.

6th. That although among the exempted goods referred to in the royal orders of the 6th December, 1796, and 8th August, 1814, sand, lime, and arrastre-frames are not mentioned, still they are included in said exemption, the former royal orders having granted it.

7th. That the circular and royal orders which he cited be published in the journal.

The new practices introduced into the collection of the excise duty, after the establishment of the Administration and Direction General of that revenue, produced among the miners a clamor and universal complaint; because, although that method had no other view than to increase the public funds, it grievously injured mining interests, and by a natural consequence the wealth of the nation.

The abolished Tribunal of Mining being charged with advancing the encouragement of the branch, defending the just rights of the body, scrupulously examined the grounds on which the miners based their respective representations, and

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forwarded to the Viceroy a representation as solid as it was energetic on the 13th October, 1778.

It then, as far as it was proper to do so, treated separately each of the points whereby the new practice in the collection of excise injured mining, explaining also in each the grounds of justice and reason which opposed its establishment, the rights of the branch, and the pernicious results that would ensue to the same public funds which it might be attempted to increase by that means.

The law 9th, tit. 13th, book six of the Nueva Recopilacion says: "That the lead, 'greta' (a flux used in smelting), cendrada (smelting ashes), litharge, and sweepings, and all the other things left by the refining of silver, of which we are to be paid the portions as above stated, free from costs, being extracted, shall remain, and let them remain for the owners of said mines, without said lead, greta, cendrada, litharge, and sweepings having to pay us anything." As is seen, the law provided that silver only should pay duty; but instead of attending to its spirit, its words were considered, and in article six of a printed instruction, directed to the administrators and receivers, their Director General ordered the collection of excise duty on the ores, greta, and cendrada, *which might be sold by any persons not being owners of mines, or part owners thereof, and there being no suspicion of collusion; for if this should occur that royal duty shall be collected.*

The natural result of this measure was, that the excise duty should be collected on solid metals, and that it should also be collected from its smelting and reduction, the exemption granted becoming illusory to the owners or part owners, because it being practically impossible for the administrators to ascertain whether the ore brought by the redemptioners for reduction was purchased from the owners or part owners, or from another redemptioner, they collected it promiscuously upon all the ores which they knew had been redeemed.

Even in the last case, the most plausible in appearance, an unjust burden was imposed, because the owners or part owners not making the sale, the redemptioners could only obtain it from the operatives to whom shares are given, the impost falling upon the reward of their day's work, which cannot be considered as a sale or exchange, but as the mere hiring of personal labor. In this manner the owner had to deprive himself of the necessary hands, or increase their shares with notable detriment to his negotiations, not being able to escape from it, even supposing that the redemptioners only should pay the duty, because these would only buy the ore that would bear the payment of it, or that which might be sold to them at a low price;

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this being the surest way to diminish speculation, and separate from the branch much capital which contributed to its aggrandizement.

The same reasons favored the exemption from excise duties of the substances resulting from the ores, which were referred to by the said law of the Nueva Recopilacion, but there were besides other very powerful reasons, which arose from the consideration that all those substances are ingredients without which the ore cannot be smelted, they being all mixed with the ores in smelting, and then they get the generic name of ligas de fundicion (smelting alloy); so that mining produces them, and mining uses them; and, consequently, it is mining which sells them, and mining which buys them.

By an order of the 30th December, 1716, it was provided that the miners, instead of the fifth, should pay the tenth of the silver; but it was claimed that the redemptioners were not included in this privilege, until experience produced the conviction that it was necessary to extend it to them, for otherwise the object would not be accomplished; and on the 19th June, 1723, this privilege was made general for miners, aviadores, redemptioners, purchasers, etc.

The 6th law of the Indies title 13, book 8, provided that table services should only pay the excise duty of the manufacture, the costs of the gold and silver bullion being deducted, and there being paid five maravedis for each mark of the one, and two for each ounce of the other, their statement under oath with regard to the profits of manufacturing small pieces of jewelry and other small articles to be taken as true; but it was claimed that duty should be paid on the full value of the sets.

It was desired that the sale or exchange of mines should pay that duty, contrary to what the classic authors decide, by a clear inference from the laws 12th and 13th, title 17, Book IX., of the Nueva Recopilacion.

Notwithstanding that the accessory follows the nature of its principal, that beneficial measures should rather be enlarged than restricted, and that divers laws favored the exemption from excise duties of the provisions and supplies which are furnished to the mines, it was claimed also that the Indian corn and other articles which the miners took to their mines and haciendas to give as weekly rations to their workmen, should pay excise duty, because they erroneously considered the fact as a sort of sale or negotiation, forgetting that it was the constant practice to distribute those same rations in the mines, without reducing the quantity on account of the increase of the price of the articles.



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In the fifth article of the said instruction, was established the collection of excise duty from all Spaniards who made or traded in charcoal, fire-wood, or timber for sale, such as they sell to miners and other persons wishing to have this article practically observed, in such a manner that from the person who might bring those goods—not being an Indian; a qualification which was left to the discretion of the administrators—the collection be made effective.

By different arguments deduced in favor of the excise duty, either because when it was convenient they observed the spirit more than the letter of the law, and vice versa, the duty in question was demanded on lime, sand, clay, adobes, stone, salt, "majistral," a powder used in the reduction of ores, hides, cordage, tools, tallow and the other avios of mines, when they were taken to the mines for account of the miners. With the employés of the revenue there was no force in the important consideration that, to tax mining, is to diminish its proceeds, and to diminish its proceeds is also to diminish those of the other revenues of the state and of commerce, and in time even those of the very branch in which they were employod. The administrators, especially those who were paid a per centage, desired only to collect greater sums, so as to enjoy a larger salary.

They had no regard for the counsels of reason, nor for the results of experience.

Some pretexts for certain cases, and other pretexts for others, served them to advance their individual interests, assuming sometimes a false zeal, in most cases shielding themselves with an assumed ignorance of the laws.

A full half century has transpired and the contest has not yet ended; but the Junta for the encouragement and administration of mining believes that the conclusion of this discussion has already arrived with the existence of the present government.

It will not permit the suppression of the words "and others" as advised by the office of the auditor of excise duty, for then, far from being ended, we would be only commencing the contest, because the Government, instead of restricting, should enlarge its benefits to mining, and because that is what is indicated by sound reason, a constant experience, and the best economical calculations; so that now, the Government itself will not only sustain the exemption from excise duty of all the goods for consumption in the quicksilver mines, but will extend it to the gold and silver mines as advised by the Establishment in its report given to the commission of industry of the General Congress on the 4th November, 1836, which it re-produced on the 10th of the same month, in the year '38, and which this Junta approved in its report of the 18th February of this year.

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For the purpose of enforcing the justice and propriety of its petition, it thinks it opportune to remind your Excellency that,—besides the general principle admitted on all hands, that if it be desired that the mining of the country prosper, it must be granted every imaginable privilege and not be burdened in the least—the strict observance of this principle now is all the more indispensable, because, among other powerful reasons, the scarcity of quicksilver causes an apprehension of immense failures in mining, and by an immediate consequence the diminution of the national wealth. Do not forget, your Excellency, that by the calculations of the speculator, the conclusion is sometimes arrived at of abandoning the ores, by the reduction of which he would lose a real on each mark of silver, and that perhaps by allowing him that real in the exemption from excise duty or other privileges, those ores, instead of being abandoned, would be reduced, and then a single real might be converted into a marl of silver; that the reduction of imposts will increase proportionally the mineral products, and that if the exemption from excise duty of the goods used in mining can be called a loss, it will be restored with abundant interest to the national wealth. Taking this for granted, and to avoid interpretations which may continue that scandalous and injurious contest, it is clear that articles 1st and 3d, which in explanation of the law of 24th May ult., the auditor of the revenue recommends should not be enforced, neither should the 6th, for instead of restricting the exemption accorded to the quicksilver mines it should be extended to those of gold and silver in all the Republic; therefore, the following should be substituted for art. 1st:

"All the articles, goods, and materials used for mining purposes in the quicksilver mining districts of the Republic, are exempted from the payment of the excise duty," to which might be added after the word quicksilver, "gold and silver," if the Supreme Government should think proper as heretofore and now again requested by the Junta, to grant the said extension of the privilege, it resulting consequently, that the circular proposed by the said office of Auditor of Customs should not be issued, because, as has been shown, it is useless, injurious, and contrary to the spirit of the laws for the protection of mining.

MEXICO, July 31st, 1843.

VICENTE SEGURA, President.

JOSÉ MARIA CASTERA, Secretary.

This is a copy. Mexico, February 10th, 1845.

JOSÉ MARIA CASTERA, Sec'y.

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No. 2.

## JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.—QUICKSILVER FUND.

*Resumé showing the total proceeds of this fund and its investment, from the 25th September, 1843, to the end of December of the following year, the same consisting of the 80,000 and 50,000 dollars of the import duty at the Custom-Houses of Vera Cruz and Tampico, and of the duty of one per cent. on the circulation of coin from one department to another; both appropriated by law to the encouragement of the Quicksilver Mines of the Republic.*

### DEBIT.

| | | | | | | |
|---|---|---|---|---|---|---|
| Received from the Maritime Custom-House of Vera Cruz, on account of the 80,000 dollars per annum to be paid by it according to law | | | | | 32.244 | 0 0½ |
| To 69.235 dollars, 3 reals, 5½ grains, due by the same Custom-House as the balance of 101.479 dollars, 3 reals, 6 grains, which in one year and ninety-eight days embraced within the time included in this resumé, at the rate of 80.000 dollars per annum, as aforesaid, it should have remitted | 69.235 | 3 5½ | | | | |
| To 63.424 dollars, 5 reals, 4 grains, which should have been paid in like manner by the Maritime Custom-House of Santa Anna de Tamaulipas during the same period at the rate of 50.000 dollars per annum | 63.424 | 5 4 | | | | |
| Amount due by these Custom-Houses for the term ending 31st December, 1844 | | | | 132.660 | 0 9½ | 132.660 0 9½ |
| Total amount of proceeds of these appropriations which should have been received into this fund up to the end of year 1849. | | | | | | 164.904 0 10 |
| To 151.199 dollars, 4 reals, 1½ grains, which during the same period have been collected by the principal administrations of revenue as proceeds of the duty of one per cent. on the circulation of coin, as follows, viz.: | | | | | | |
| At the principal Administration of Zacatecas, there were collected from the 25th September, 1843, to the end of December, 1844 | 34.222 | 3 3 | | | | |
| At that of Guanajuato, to the end of October, 1844 | 33.892 | 2 6 | | | | |
| At that of Mexico, to the end of December, 1844 | 29.902 | 2 6 | | | | |
| At that of Jalisco, " " " " | 11.484 | 5 8½ | | | | |
| At that of San Luis Potosi, " " " | 9.075 | 5 7⅞ | | | | |

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| | | | | | | |
|---|---|---|---|---|---|---|
| At that of Durango, | " | " | " | 7.420 | 1 | 8 |
| At that of Puebla, | " | " | " | 4.528 | 7 | 9¾ |
| At that of Chihuahua, | " | " | " | 4.241 | 5 | 2⅞ |
| At that of Michoacan, | " | July, | " | 3.091 | 4 | 4 |
| At that of Nuevo Leon, | " | November, | " | 2.778 | 7 | 1½ |
| At that of Aguascalientes, | " | December, | " | 2.712 | 4 | 1½ |
| At that of Queretaro, | " | " | " | 1.859 | 7 | 3 |
| At that of Vera Cruz, | " | " | " | 1.486 | 0 | 2 |
| At that of Coahuila, | " | " | " | 1.216 | 5 | 10 |
| At that of Oajaca, | " | " | " | 708 | 4 | 0 |
| At that of Chiapas, | " | July, | " | 65 | 0 | 0 |
| At that of Sonora, | " | April, | " | 32 | 1 | 11½ |
| At that of Sinaloa, | in July only, | | " | 15 | 0 | 0 |
| At the Maritime Custom-House of Mazatlan, in October only of 1843 | | | | 1.964 | 0 | 6 |
| At that of Santa Anna de Tamaulipas, to June, 1844 | | | | 598 | 5 | 10 |
| At the frontier Custom-House of Tuxtla Chico, in April only of 1844 | | | | 2 | 2 | 0 |

| | | | | |
|---|---|---|---|---|
| Gross proceeds of the duty of 1 per cent. on circulation to 31st December, 1844 | 151.199 | 4 | 1½ | 151.199 4 1½ |
| There are also charged in like manner 1.847 dollars, 6 reals, 4½ grains, for premiums received on drafts drawn by this Junta on the administrators of revenues, and discounts on others drawn against the Junta; including 1.500 dollars of discount at 3 per cent. on 50.000 dollars placed in the Guanajuato Mint, for the "avio" of quicksilver mines | | | | 1.847 6 4½ |
| Total of proceeds which should have been received | | | | 317.951 3 4 |

## DUE BY THE FUND.

| | | | | |
|---|---|---|---|---|
| The fund owes Messrs. Manning & Mackintosh 22.000 dollars, which they delivered last December on account of the 50,000 which were placed in the Guanajuato Mint, the balance of which they paid under the belief that there existed at that place the 34.000 dollars which were taken about that time by the Exct. Sor. Don Antonio Lopez de Santa Anna for the troops under his command, that being all that remained of the sum placed there | | | | 22.000 0 0 |
| **Balance** | | | | 339.951 3 4 |

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## CREDIT.

### EXPENSES OF ADMINISTRATION.

| | | |
|---|---|---|
| By fees paid to the administrators of revenue at 4 per cent., according to law, upon the amounts collected by them of the duty of 1 per cent. on circulation | 5.632 2 4⅜ | |
| By discounts paid on drafts drawn by this Junta on said administrators | 3.652 0 9 | |
| By commission paid for obtaining such discount | 23 5 0 | |
| By the part chargeable to this fund of the salaries paid to the Señores employés of the office | 8.000 3 0½ | |
| By amount invested in iron safe to preserve the treasure, books for the accounts, and other expenses connected with the office, so far as chargeable to this fund | 1.447 4 0½ | |
| **Total** | 18.755 7 2⅜ | 18.755 7 2⅜ |

EXPENSES OF EXAMINATION AND "AVIOS" OF QUICKSILVER MINES.

| | | |
|---|---|---|
| By fees paid to the Commissioners appointed by this Junta for that purpose in the Departments of Mexico, Morelia and Queretaro, Guanajuato, Zacatecas, San Luis Potosi, Chihuahua, Nuevo Leon, Coahuila and Tamaulipas; the purchase of retorts for assays, freight on these, the making of drawings, and other expenses | 14.856 5 3 | |
| By supplies to the Mining Tribunal of Guanajuato, for the working of the quicksilver mines called Clavellinas, Guadalupe, Toro, Capulin, Palos Colorados, another Guadalupe at Atargea, and another which has no name, which are being worked | 20.120 0 0 | |
| **Total** | 34.976 5 3 | 34.976 5 3 |

EXPENSES OF THE COLLEGE OF MINING.

| | | |
|---|---|---|
| There has been furnished to it therefor | | 30.900 0 0 |
| **General Expenses** | | 84,632 4 5⅜ |

### DUE TO THE FUND.

| | |
|---|---|
| The Supreme Government owes for balance of the 80,000 and 50,000 dollars appropriated to the fund from the import duty from the Custom-Houses of Vera Cruz and Tampico, as per account stated on the 31st December, 1844 | 132.660 0 9½ |
| Ditto for sums which have been lent it in hard dollars at different times, to the 31st December ult., to be returned | 42.000 0 0 |

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| | | | | | | |
|---|---|---|---|---|---|---|
| Ditto for the salaries from May to December ult., paid by Supreme order to the Most Exct. Sor. Gen'l of Division, Don José Maria Tornel, also to be returned | | | | 4.000 | 0 | 0 |
| Ditto for 34.000 dollars which in December last were taken by the Most Exc't Sor. Don Antonio Lopez de Santa Anna, for the troops under his command, of the 50.000 which were placed in the Guadalajara Mint for the avio of quicksilver mines | | | | 34,000 | 0 | 0 |
| The Departmental Treasuries have taken, of the duty of one per cent. on circulation, by Supreme orders, at the principal administrations of revenue, the following, viz.: | | | | | | |
| At that of Mexico | 9.339 | 6 | 5 | | | |
| At that of Guanajuato | 4.219 | 3 | 5 | | | |
| At that of Durango | 2.567 | 3 | 9½ | | | |
| At that of Jalisco | 807 | 1 | 3 | | | |
| At that of Nuevo Leon | 682 | 0 | 11½ | | | |
| At that of Morelia | 530 | 0 | 0 | | | |
| At that of Aguascalientes | 416 | 3 | 8 | | | |
| At that of Queretaro | 172 | 6 | 7½ | | | |
| Balance of 1.885 dollars, 4 reals, with which the Custom-House of Mazatlan assisted the Department of Sonora | 507 | 5 | 6½ | | | |
| Compensation made to the house of Don Anselmo Zurutuza for the delay which it suffered before being paid in full the net value of draft No. 4, drawn in its favor against the administrador of the Custom-House at Mazatlan, for the 1.885 dollars 4 reals referred to in the preceding entry | 115 | 1 | 10 | 19.358 | 1 | 6 |
| **Total** | | | | 99.358 | 1 | 6 |
| **Total amount due by the Supreme Government** | | | | | 232.018 | 2 3½ |
| The Direction General of Industry owes for the loan made to it by order of the Supreme Government on the 28th November, as an irregular deposit for two years | | | | 10.000 | 0 | 0 |
| Due by Messrs. Manning and Mackintosh as balance of 2,500 dollars upon a contract which they made with this Junta | | | | 3.315 | 0 | 0 |
| Due by the Mining Endowment Fund (fondo dotal de mineria) 2.025 dollars, lent to it last November for the expenses of the College | | | | 2.025 | 0 | 0 |
| **Total amount due to the Fund** | | | | | 247.358 | 2 3½ |
| | | | | | 247.358 | 2 3½ |

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## CASH ON HAND.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| In the safe of this Fund | | | | 1.615 | 2 | 1 | |
| In the principal and subaltern administrations of revenue | | | | 6.345 | 2 | 6 1/8 | 7.960 4 7 1/8 |
| **Equal to** | | | | | | | 339.951 3 4 |

**NOTES.**—1st. By the first entry on the debit side it will be seen that the Maritime Custom-Houses of Vera Cruz and Tampico have scarcely remitted to this office one-fifth part of what was appropriated them by law from the import duty, as a resource absolutely necessary to encourage the discovery and working of quicksilver mines.

2d. In the next entry it will be observed that the collection of the one per cent. on the circulation of coin is incomplete, but this has occurred for want of information which some administradors should have sent, who have been repeatedly urged to furnish it as soon as possible, so that the proceeds may be immediately collected and the accounts kept in proper order, which thus far has not been wholly effected.

3d. The proceeds which have been, and those which should have been received by this fund amount to 317,951 dollars 3 reals 4 grains, and the expenses of administration, as shown by the statement, amounting to 18.755 dollars 7 reals 2 3/8 grains: it results that the former have suffered the slight diminution of 5 7/8 per cent. for the 132.660 dollars to be paid by the Custom-Houses of Vera Cruz and Tampico are clear of all expenses, because the amount of the drafts sent by that of Vera Cruz and to be sent by that of Tampico is collected in full. This small expense incurred in the administration of the fund in question should attract the attention of the Supreme Government, giving it to understand the economy which has been observed, for much larger sums in proportion are expended for the collection of other funds; from which may be inferred the utility and convenience which will result from its conservation, especially when the importance of its object is considered.

Mexico, 19th February, 1845. MIGUEL HIERRO.

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# DEPOSITION OF BLAS BALCARCEL.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, June 28, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Blas Balcarcel, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being intrepreted by Richard Tobin, a sworn interpreter.

Present: Messrs. Peachy and Yale, for the claimant; and Mr. Randolph, for the United States.

QUESTION 1st, by claimant's counsel. What is your name, age, and place of residence?

ANSWER. My name is Blas Balcarcel; I am little over forty years of age; my residence is at the city of Mexico.

Q. 2. Where were you born?

A. In the city of Guanajuato.

Q. 3. Where educated?

A. In the College of Mining, in the city of Mexico.

Q. 4. When did you enter that college; how long did you remain there; what diplomas did you take; what professorships have you filled, and what offices and employments have you held and exercised under the Mexican Government?

A. I entered the college in 1834; I remained there until 1839; in 1839 I received my diploma as surveyor and assayer; I then proceeded to the mining district of Fresnillo to learn the practical part of mining; about the end of 1840 I left Fresnillo and proceeded to the mining district of Zimapan, in the State of Mexico; I had charge of the assay office of silver in this mining district; I remained in this mining district till about the end of 1843; about the beginning of 1844 I went to the city of Mexico, and I entered the College of Mining as professor of geography and prefect of studies; in the same year I received there my diploma, as a mining engineer; during the



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time of the American invasion, that is, from September, 1847, until June, 1848, I was director of the College of Mining, Mr. Tornel being absent at that time; in the year 1852, there being a vacancy in the professorship of mathematics in the same college, I presented myself as a candidate for that office, at the public examination of the candidates applying for it, and I obtained it, the professorship; I then resigned the professorship of geography. In the beginning of 1856, I was a deputy in the National Constituent Congress. I remained in that Congress until the beginning of 1857, when the new constitution, called the Constitution of 1857, was established; in September, 1856, I was appointed Director of the same college *ad interim*, on the death of Don Luis de la Rosa; in November, of the same year, 1856, I was appointed permanent director of the college, and I discharged the duties of this office until February, 1858, when I surrendered the office to Don Joaquin Velasquez de Leon.

Q. 5. Were you ever a member of the Junta Facultativa of the college—if yea, state during what years?

[Question objected to by the counsel for the United States as leading. Question withdrawn.]

Q. 6. Who were the members of the Junta Facultativa of the college during the year 1846?

A. The Director of the College was made by law to be the President of the Junta Facultativa; the members (vocales) of the Junta Facultativa in 1846 were Don Tomas Ramon del Moral, Don Castulo Navarro, Don Antonio del Castillo and myself; there were two suplentes, Don Sebastian Camacho, and I think the other was Don Joaquin Velasquez de Leon.

Q. 7. During what years were you a member of the Junta Facultativa?

A. Every year since 1845, at least until I was appointed director of the college.

Q. 8. How was the Junta Facultativa appointed, of how many did that Junta consist, and how long did they hold that office?

A. The Junta was composed of members elected at the beginning of each year, at a general meeting of all the professors of the college, and they held their office until the next election in the ensuing year. The suplentes and the secretary were appointed by the Junta Facultativa itself, and not by the general Junta of the professors. Including the president, the Junta consisted of five members and two suplentes.

Q. 9. When the director of the college did not attend the meetings of the Junta Facultativa, who, if any one, acted as president?

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A. The first vocal.

Q. 10. What do you mean by the first vocal?

A. I mean the one that was first elected; the second vocal was the one that was elected second, and so on.

Q. 11. Who was the director of the college in the months of April and May, 1846?

A. General Tornel.

Q. 12. Where was he at that time?

A. He was in Mexico, living in the college itself.

Q. 13. In what order were the vocales of the Junta Facultativa elected for the year 1846?

A. The first vocal was Don Tomas Ramon del Moral, the second was myself, the third was Don Castulo Navarro, the fourth was Don Antonio del Castillo.

Q. 14. Who was secretary of the Junta Facultativa during that year?

A. Don Antonio del Castillo.

Q. 15. Is he the same person you have named as one of the vocales during that year?

A. Yes, sir, because one of the four permanent vocales was always appointed secretary.

Q. 16. Where is that Señor del Castillo of whom you spoke?

A. At present he is here in San Francisco.

Q. 17. How often did the Junta Facultativa meet?

A. They were required by law to meet once a month, but they met whenever they had business to transact.

Q. 18. What were the duties of the Junta Facultativa?

A. It had various attributes; its principal duty was to attend to all that concerned the scientific branches of the college.

Q. 19. Did the Junta Facultativa keep a record of its proceedings?

A. The secretary of the Junta Facultativa made up the actas and handed them over to the Escribiente de la Direccion, who engrossed them or made clean copies of them. After they had been engrossed they were signed by the president who had officiated at the Junta, and by the secretary. The escribiente was the person who was charged with the preservation of the records.

Q. 20. Were the actas of the Junta Facultativa always written out and signed as you have described?

A. The majority of them were all signed, but some were not signed on account of the absence of the president, or negligence of the escribiente, or for some other cause, this requisite was not complied with.

Q. 21. Were you personally acquainted with Don Tomas Ramon del Moral?

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A. Yes sir; because he was first my teacher and afterwards my brother professor.

Q. 22. Is he living; if not, when did he die, and how do you recall the date of his death?

A. He is dead; he died in 1847; I remember it because at that time he was a Deputy in the Legislature of the State of Mexico at Toluca, and one of his sons wrote to me, informing me of his death, which happened, I think, in July of that year, 1847.

Q. 23. Are you acquainted with Andres Castillero; if yea, state when you first made his acquaintance?

A. I knew him for the first time in 1846.

Q. 24. Where did you make his acquaintance, and by whom were you introduced to him?

A. At the College of Mining itself, and he was introduced to me by the same Don Tomas Ramon del Moral.

Q. 25. Had you heard of him before you made his acquaintance?

A. Certainly; I heard of him before I made his acquaintance; there was a particular circumstance which made me acquainted with his name, although I did not know him personally.

Q. 26. What was that particular circumstance to which you allude?

A. It was that Don Tomas Ramon del Moral told me that he had received from him a box, containing, among other things, some specimens of cinnabar, and that he had also received a letter from him, stating that he had discovered this mine (criadero). Castillero's name was very familiar not only to me, but to all the other professors in the college in that year, before they knew him personally.

Q. 27. In what place did Señor Moral exhibit to you this box containing said specimens, and show you the letter to him from Castillero?

A. He took the box to my apartments in the college.

Q. 28. What minerals did that box contain?

A. It contained some pieces of cinnabar, a small flask of quicksilver liquid, some samples of stone-coal, and some pieces of rock crystal. There was also a fragment of pure lead with shells in it.

Q. 29. What was thought of that specimen of lead?

A. At first we thought it was an artificial production, as we had never seen lead in its natural state, so pure, nor with shells in it, as that had.

Q. 30. About how long after you saw those specimens did you first see Castillero?

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A. A few days after.

Q. 31. Is there any circumstance which causes you to remember that you first saw Castillero a few days after you saw these specimens; if so, state what?

A. The reason that I remember it is, that Castillero's arrival so soon after the arrival of the box and letter, surprised us, as we supposed he was still in California.

Q. 32. Do you know what was done with these specimens of cinnabar, and other minerals; if yea, state what?

A. I do know what became of them; part of the specimens of cinnabar were given to the Professor of Chemistry to be assayed, the remainder were kept in the Cabinet of Mineralogy of the College.

Q. 33. Do you know these facts of your own personal knowledge; if not, how do you know them?

A. I know them of my own knowledge.

Q. 34. Did the Junta Facultativa of the college receive any communication relative to these specimens?

A. They did.

Q. 35. What communications?

A. As I have stated already, Mr. Moral brought the box to my apartments and it was opened there, and at his request the professor of chemistry made an assay of the specimens of cinnabar, and reported that the result of it was a ley of thirty-five per cent.; afterwards, Mr. Moral made an application to the Junta de Fomento, (which was specially charged with the encouragement of quicksilver mines,) with regard to it, and the communication received by the Junta Facultativa was one from the Junta de Fomento to the Director, stating substantially that Mr. Moral had presented some specimens of cinnabar received from a mine discovered in California by Mr. Castillero, and requesting that they should be assayed. The matter was then officially referred to the Junta Facultativa for the purpose of having the assay made, and the Junta reported that the Director might reply to the Junta de Fomento, that the specimens had been assayed, and that the result of the assay was a ley of thirty-five per cent.

Q. 36. Were you present at the session of the Junta Facultativa when that report was made to the Director?

A. I was.

Q. 37. Can you remember of your own personal knowledge, independent of any documents which you may have recently seen in relation to this matter, at what time Señor Moral showed you this box of specimens and Castillero's letter to him, and at what time you first saw Castillero?

A. I remember distinctly about the box containing the spe-

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cimens of cinnabar, because it was opened in my own room; it was a notable event to myself and the other professors, because the discovery of a quicksilver mine was a matter of great importance; I remember the month when the box was opened, as I have stated; but I do not remember the day of the month; the month was April, 1846.

Q. 38. Examine the document now shown you and state what it is.

[Document marked "Exhibit Bassoco No. 10, O. H." shown to the witness.]

A. The contents of this document are traced copies of original documents existing in the archives of the College of Mining, excepting, of course the certificates that are found in it.

Q. 39. Examine the documents now shown you and state what they are?

[Documents marked "Exhibit Bassoco No. 7, O. H.," and "Exhibit Bassoco No. 11, O. H.," shown to the witness.]

A. The contents of document No. 11, excepting the certificates, are also traced copies of original documents in the archives of the College of Mining. The first is a copy of the *actas* of the Junta Facultativa. The other is a copy of the communication from Mr. Tornel to Don Tomas Ramon del Moral, President of the Junta. The contents of document No. 7. is a traced copy of an expediente existing in the office of the Administracion del Fondo de Mineria.

Q. 40. Have you compared these traced copies with their respective originals; if yea, when, where, and in what manner was the comparison made, and are these accurate and faithful copies of their respective originals?

A. I have compared them; the comparisons were made on the 20th or 23d of April last; Nos. 10 and 11 were compared in the office of Archives in the College of Mining. No. 7 was compared in the office of the Administracion del Fondo de Mineria; the comparisons were made in this way: Mr. Pardo, the Licentiate, first read the originals audibly in my presence, and while he was doing so I read the traced copies; we then reversed it, and he read the copy aloud, and while he was doing so I read the originals; we then laid the copies over the originals to see if the tracing was well done, that nothing was left out. I found the copies perfect in all respects, except that in page 1 of document No. 11 there was signed to the original the name of the secretary, Don Antonio del Castillo. This name is omitted in the traced copy.

Q. 41. Examine the certificate affixed to the following documents, to wit: "Exhibit Bassoco No. 1, O. H.;" "Exhibit Bassoco No. 5, O. H.;" "Exhibit Bassoco No. 6, O. H.;"

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Exhibit Bassoco No. 7, O. H.;" "Exhibit Bassoco No. 8, O. H.;" "Exhibit Bassoco No. 9, O. H.;" "Exhibit Bassoco No. 10, O. H.;" "Exhibit Bassoco No. 11, O. H.;" "Exhibit Bassoco No. 12, O. H.;" say if you are acquainted with the signatures of the various persons to the said certificates, and whether, at the date of the same, they held the respective offices which in their certificates they are said to hold?

A. I know them all, except those of Anievas Alegria and the American Consul, Mr. Black. The signatures to all the other certificates are genuine, and the persons by whom they are signed held respectively the offices which the certificates state that they held at the date thereof.

Q. 42. Are you acquainted with the handwritings and signatures in any of the original documents, copies of which are found in Exhibits No. 7, 10 and 11; if yea, state whose handwritings and signatures appear on the said originals, with your means of knowing the same?

A. The original of the copy on the page preceding page marked 1, in red ink, in Exhibit No. 7, is all Gondra's.

The original document, a copy of which appears on page 1, in red ink, is in the handwriting of said Gondra; the original of the first marginal note on page 5, in red ink, is written and signed by Segura; the original of the second marginal note on the same page, is in the handwriting of said Gondra; the original of the document appearing on pages 5, 6 and 7, in red ink, is signed by José Maria Tornel; it is his genuine signature. The original document, a copy of which appears on pages 8 and 9, in red ink, is in the handwriting of said Gondra, except the interlineations on page 9; the marginal note, a copy of which appears on page 11, in red ink, is in the handwriting of said Gondra; the corrections and interlineations appearing on the original documents, a copy of which is to be found on pages 13, 14, 15, 16, 17 and 18, in red ink, are all in the handwriting of said Gondra, except the interlineations, which are made at the foot, and on the reverse of page 14; the signature, a copy of which appears on the reverse of page 22, in red ink, is the genuine signature of Isidro R. Gondra. I know none of the other handwritings and signatures in the originals, which are copied in said document, No. 7. The marginal note and signature, a copy of which appears on page No. 1, of document No. 10, is written and signed by the same Mr. Tornel; the signatures, copies of which appear on the reverse of page 2, are the genuine signatures of Vicente Segura and Isidro R. Gondra; the signature, copy of which appears on the reverse of page No. 4, is also the genuine signature of Isidro R. Gondra, and I say the same of the signature, a copy

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of which appears on the reverse of page 6; the signature, a copy of which appears on page No. 1, in document No. 11, is the genuine signature of Tomas Ramon del Moral; signature, a copy of which appears on page 2 of the same document, is the genuine signature of José Maria Tornel.

Q. 43. Is General Tornel living?

A. He is dead; he died in September, 1853.

Q. 44. Examine the documents marked "Exhibit Bassoco No. 10, O. H.;" and "Exhibit Bassoco No. 11, O. H.;" and say whether your recollection of the matters and things mentioned in them is revived by what you see in the said documents, and state further if you are the Señor Balcarcel, mentioned on page No. 1, of said document No. 11.

A. In regard to the matters referred to on page 1, of "Exhibit Bassoco No. 11, O. H," I have a distinct recollection; all or nearly all the professors in the college had made journeys from the capital to different parts of the Republic, and in those journeys, had made every effort to discover a quicksilver mine, and commissioners had been appointed to explore for quicksilver mines, in different parts of the Republic, but all without success; and as mining is the principal source of the wealth of Mexico, and as the success of mining enterprises depends upon the price of quicksilver to a great extent, and as quicksilver had theretofore been procured from Spain at high prices, and was subject to monopolies, we, the professors of the college, for these reasons, and from what we had learned of Castillero's discovery, looked upon it as an event of the greatest importance, and spoke of it constantly to each other, in conversation and at official meetings; and we also remarked, that it was strange the discovery should have been made in California, where no explorations had been made, and no commission sent to search for a quicksilver mine; hence we recommended earnestly in our communication to the Director that he should recommend the Junta de Fomento and the government to afford to Castillero all possible protection. I am the Balcarcel spoken of on page one, of document No. 11.

Q. 45. Do you remember to have been present at the session of the Junta Facultativa, the proceedings of which are set forth on page one, in document No. 11?

A. I have stated already that I was; I remember to have been there for the reason which I have assigned—on account of the matters which were mentioned at that session.

Q. 46. I find that page No. 1 of said document No. 11, purports to be a copy of the acta of the Junta Facultativa at its session of 24th March, 1846; is that date correct?

A. Evidently there is a mistake in the name of the month.

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Q. 47. Why do you infer that, and what should be the month?

A. I infer it from the fact that the communication from the Junta de Fomento to the Director of the college is dated 21st April, 1846, and the acuerdo of the Director, referring that communication to the Junta Facultativa, is dated 23d April, 1846, and as the session of the Junta Facultativa was held in pursuance of that acuerdo, the session of the Junta Facultativa could not have been held in March, it must have been held in April, after the date of acuerdo. I also know that there is a mistake in the name of the month, because there was nothing known at all of the matter in March, and the box containing the specimens of cinnabar was not received until April.

Q. 48. Do you know why the name of the Secretary, Castillo, does not appear on this copy, page 1, document 11?

A. The reason is, as I have been informed, that the Secretary signed his name to the original since this copy was made. The present Director observed that the Secretary had not signed the original, and caused him to sign it afterwards.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., June 29, 1859.

Examination resumed from yesterday.

Present: Messrs. Peachy and Yale for claimants; and Mr. Randolph for United States.

Q. 49. How do you know the handwriting and signatures of Vicente Segura, José Maria Tornel, Ysidro R. Gondra, Tomas Ramon del Moral, Manuel Couto, J. Miguel Arroyo, P. Almazan, and Joaquin Velasquez de Leon?

A. With regard to all these signatures and handwritings, except the signature and handwriting of P. Almazan, I know them, because I have seen all those persons, except Almazan, write and sign their names. I have seen Almazan's signature frequently to communications, but I have not seen him sign.

Q. 50. You have said that the Junta Facultativa of the College earnestly recommended the Director of the College that he should recommend the Junta de Fomento, and the Government, to afford to Castillero all possible protection—have you any knowledge of what the Mexican Government did for the protection of Castillero, and for the encouragement of said mining enterprise? If you have any knowledge on the subject, state what it is, and from what source it was derived.

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[Counsel for the United States objects to any parol evidence, as incompetent to prove the action of the Mexican Government.]

A. I knew from conversations which I had with the Director, Mr. Tornel, and Castillero himself, at the time of the acuerdo, that Castillero presented certain proposals to the Junta. He and the Junta agreed on the terms of a contract to be made between them, and had a draft of it sent to a notary to be engrossed and drawn up in proper form; but when the notary had prepared it, and it was ready to be ratified and signed by the Junta, the Junta refused to sign and ratify it, because of a decree or law which had been made by the Minister of Hacienda, suspending all payments out of the Fondo de Azogues.

Q. 51. What became of the specimens of cinnabar which were deposited in the mineralogical cabinet?

A. They still exist in the same cabinet.

Q. 52. Did you know Don José Manuel Herrera in the year 1846; if yea, what office did he hold at that time?

A. I knew him in that year, and he then held the office of professor of chemistry in the College of Mining; I knew him well, because he had been my teacher.

Q. 53. Is he the same Herrera who is mentioned in the letter from José Maria Tornel to Señor Moral, dated April 29, 1846, a copy of which is found on page two of "Exhibit Bassoco No. 11, O. H.?"

A. Yes, sir; he is the same person.

Q. 54. At or about the time of that assay did you converse with Professor Herrera about it?

A. I was living in the College at that time and was anxious to know the result of the assay, and I conversed with him (Professor Herrera) before and immediately after the assay about it.

Q. 55. From this assay, and from your conversations with Mr. Herrera, what opinion did you form of the quality of the ore?

A. I formed a very good opinion of it; but when we (the professors in the college) first saw those specimens, we knew that the ore was very rich, and that the lead or vein, from which those specimens were taken, was a good one.

Persons conversant with such matters can always tell by merely looking at the ores, whether they are rich or not; it was only to ascertain precisely the degree of richness, the exact *ley*, that the assay was made.

Q. 56. What was the rock crystal, specimens of which you saw in that box?

A. It is a substance resembling glass, of more or less transparency; the technical name of it is rock crystal.

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Q. 57. Is it the same as quartz?

A. Quartz is a species of rock crystal, but not so pure.

Q. 58. To what extent was the discovery of Castillero known in the city of Mexico in the months of May, June, or thereabouts, in the year 1846?

A. We who were connected with the College all knew of it very well, and I presume the news was spread by conversations which the professors had in relation to it with other persons. The fact that the Junta refused to sign and ratify the contract after the notary had drawn it, also attracted some attention. The matter was also known to everybody connected with the Junta de Fomento, and to all the officers of the government with whom the Junta had communicated on that subject.

Q. 59. Do you know whether the government took any steps about sending a commissioner to California to examine and report upon this mine?

A. I do not know that the government took any steps for that purpose.

Mr. Moral himself spoke to me about having me appointed one of the persons to take charge of this mine and work it, but I do not know whether he ever mentioned it to the government or not.

Q. 60. Was not Mr. Moral a professor in the college; if yea, what chair did he fill—I mean in 1846?

A. In that year he was Professor of Drawing (Delineacion), and also Professor of Cosmography, Geodesy, and Practical Astronomy.

Q. 61. Is Professor Herrera living?

A. He is dead; he died in the year 1856.

Q. 62. When did you arrive in San Francisco?

A. On the night of the 14th May last.

Q. 63. In whose company did you travel from the city of Mexico to the port of San Blas?

A. In the company of Messrs. José Maria Bassoco, Francisco Martinez Negrete, Joaquin Castillo y Lanzas, Francisco Castillo y Lanzas his son, Francisco Villalon, José Maria Yrisarri, Mr. Velasco, Mariano Miranda, Antonio del Castillo, Guillermo Barron, and Mr. Billings.

Q. 64. For what purpose, and at whose request, did you come to San Francisco?

A. I came here for the purpose of testifying to what I knew touching the discovery of this mine by Castillero, at the request of Mr. William Barron.

Q. 65. Did you receive permission from the Mexican government to leave your duties as professor in the College for the purpose of coming here; if yea, what officer of the government gave you permission?

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A. I did receive such permission; it was given me by the Minister of Fomento, Don Octaviano Muños Ledo.

Q. 66. What compensation have you received, or are you to receive, for coming to San Francisco on this business?

A. I am to receive, all together, $6,000, of which I have received already $5,200.

Q. 67. Do you receive your salary as professor during your absence from Mexico?

A. No, sir.

Direct examination closed.

Examination adjourned until to-morrow, at 11½ o'clock, A.M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., June 30, 1859.

Examination resumed from yesterday.

Present: Messrs. Peachy and Yale, for the claimant, and Mr. Randolph, for the United States.

CROSS-EXAMINATION.

Q. 68. When you left the city of Mexico, to come to this city, did you obtain any passport?

A. No.

Q. 69. Is there anybody here in this city, besides the party you came with, who has known you in the city of Mexico within the last ten years? if so, name them.

A. Yes: William Schleiden; Omaña, one of the exiles from Mazatlan; a wig-maker by the name of Acevedo. I knew Schleiden in 1847 or 1848; I am not certain of the exact time.

Q. 70. When you entered the College of Mining in 1844, as Professor of Geography and Prefect of Studies, who was the Director of the College of Mining?

A. Gen. José Maria Tornel.

Q. 71. Was he also a professor in the College?

A. No.

Q. 72. How long did Gen. Tornel continue to be Director; during what years?

A. I think that he was appointed in 1843, but I am not certain; I was not in Mexico then; he died, I believe, in 1853; he did not act as Director during each of those ten years.

Q. 73. At what periods was it that he did not act as Director, and for what cause?

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A. In 1845, he was exiled for political reasons, in May or June, during the Presidency of Gen. Herrera. It appears to me, that, towards the beginning of 1846, I believe in January, he returned to Mexico, and resumed his duties as Director of the College. He was exiled towards the latter part of 1846, again, for political reasons, from August, 1846, to February or March, 1847; I am not very certain. He had to leave the city of Mexico in September, 1847, when the capital was occupied by the American forces; he left when all the other officers of the Mexican army had to leave. Besides these absences from the city, he had also to leave frequently on account of his private affairs, visiting his haciendas, etc.; I cannot state precisely when he so absented himself. But these absences were of short duration.

Q. 74. When you say that Gen. Tornel was exiled in 1845, and again in 1846, do you mean that he was banished from the Republic?

A. No: he was exiled the first time to San Luis Potosi, and the second time to Tehuacan, near the city of Puebla, on the road to Oaxaca.

Q. 75. Was it customary to appoint some distinguished person who was not a professor, to the Directorship of the College of Mining?

A. That custom prevailed; at least since the time when I entered the College, in 1834.

Q. 76. Do you mean that there were no exceptions you know of during that time?

A. Yes, precisely, when I was appointed Director, inasmuch as I don't consider myself a distinguished individual.

Q. 77. But you were a professor, were you not, at that time?

A. Yes.

Q. 78 Did you act as Director of the College and Professor of Mathematics at the same time?

A. Yes; because the decree of the 11th of September, 1856, by virtue of which I was appointed, authorized the Director to act as Professor at the same time.

Q. 79. Did it require a dispensation of that nature, in order to enable you to hold both offices at the same time?

A. The decree said that the person that had the capacity and qualifications might be Director of the College, whether he was a professor in College or not.

Q. 80. Was the decree to which you refer confined to that one purpose, or did it embrace other subjects also?

A. When Don Luis de la Rosa died, a decree was issued for the sole purpose of providing for the election of his successor, and for future elections.

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Q. 81. By whom were you elected?

A. I was elected by the Professors of the College of Mining of Mexico, and by the Professors of the Practical School of Mines established at Fresnillo, in the State of Zacatecas.

Q. 82. Is the decree of September, 1856, to which you refer, to be found in print, and if so, can you tell me in what book?

A. I only saw it in the newspapers of that time; it may probably be found in the *Memoria* of the Minister of Fomento, Manuel Siliceo, which was published in 1857.

Q. 83. Can you not refer me to some law of Mexico regulating the constitution of the College of Mining, giving the names of the different professorships of which it is composed, and the qualifications required of the professors, the manner of the election of the director and professors, etc., in detail?

A. There is the law of the 3d of October, 1843, and the *reglamento* in reference to that law, of November or December of the same year; this law states the professorships to be established in the College, the qualifications of the professors, and the manner of their election. Before the date of this law, there had been a decree prescribing the mode of appointing the director; that decree stated that the Junta de Fomento should propose to the government three names to fill the office of director.

Q. 84. Do you mean that the two decrees you have spoken of in your last answer remodeled the constitution of the College of Mining as it had before existed—for example, as it had existed when you entered in 1834 as a student?

A. It reformed all that prevailed before, when I entered as a student in 1834, in regard to the studies and the interior organization of the College.

Q. 85. When you were a deputy in the National Constituent Congress, in the year 1856, were you at the same time Professor of Mathematics in the College of Mining?

A. Yes.

Q. 86. When you surrendered the directorship to Velasquez de Leon, in February, 1858, did you still continue Professor of Mathematics?

A. Yes: I am so still, having received permission to leave the city of Mexico.

Q. 87. Is there anything in the laws organizing or regulating the College of Mining, which authorizes the Minister de Fomento to give a leave of absence to a professor, or giving that minister any control in that matter?

A. By the law and regulations of 1843, to which I referred, the professors are to apply to the government for leave of

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absence. In 1843, the Ministerio de Fomento was not established; but since that ministry was organized, the College was placed under its charge; and I can assert that, by modifications recently made to that law of 1843, it is provided that the professors should apply to the Minister de Fomento for leave of absence.

Q. 88. Do you mean that the modifications referred to were made by the law which established lately the Ministerio de Fomento?

A. No; because the Ministerio de Fomento was established in the year 1853, and the modifications that I have just spoken of were made in January or February last, under the government of Zuloaga.

Q. 89. What is the annual salary attached to the Professorship of Mathematics, which you now hold in the College of Mining?

A. Twelve hundred dollars.

Q. 90. Does that embrace all the emoluments that you derive from the professorship?

A. This is all I receive from my professorship of the College; but I can exercise my profession of surveyor, of assayer, and mining engineer.

Q. 91. In the present condition of Mexico, at what sum do you estimate the annual value of your profession as surveyor, assayer, and mining engineer?

A. It can be valued, on an average, at $1,500.

Q. 92. Do you mean that, you being occupied as Professor of Mathematics of the College, and in the present condition of the Republic of Mexico, you can gain in your profession the sum of $1,500 per annum?

A. Yes, sir.

Q. 93. When your annual revenue from private and public sources, as thus stated by yourself, is $2,700, upon what grounds and for what consideration are you to receive the sum of $6,000 for an absence from the city of Mexico during so long a time only as would be necessary to come to California to give your testimony and return?

A. Those $6,000 which I receive is not for the testimony I give in this case, but as an indemnity for the damage done to my business by leaving the place of my residence, and also on account of the inconveniences and risks incurred in such a long voyage; so that neither before nor now do I consider this sum of importance, but small.

Q. 94. Is your salary of $1,200 per annum during the present year punctually paid in cash when it becomes due, or irregularly, and in depreciated paper?

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A. It must be recollected that, during my absence from Mexico, I receive no salary; but the professors of the College receive their salary in cash, and in full, and not in paper of any kind.

Q. 95. Out of what fund are the professors of the College of Mining this year paid their salaries in cash and in full?

A. It has always been paid out of the fund called Fondo de Mineria; and this fund is formed by the real per mark of silver paid by the miners.

Q. 96. By whom is that fund collected?

A. By the Administracion del Fondo de Mineria.

Q. 97. From what source do you derive your information on this subject?

A. In 1852, when the Junta de Fomento y Administrativa de Mineria ceased to exist, the Administracion del Fondo de Mineria was organized; I know the facts I have stated, because I was in the College of Mineria, and am acquainted with all that took place in regard to that branch, and because the College receives from that Administracion the amount of its expenses.

Q. 98. Explain the whole process of the collection of this Fondo, or Real de Mineria, as now practiced.

A. The Administracion del Fondo de Mineria has formed a contract with the house of Jecker & Co., and that house, through its agents, collects in the different mining districts the proceeds of the mining tax; and each month its agents forward, by means of drafts on the house, and in favor of the Administracion del Fondo, the amount of tax collected. There are places where there are no agents of the house of Jecker & Co., and in those cases the Administracion appoints the parties who were to collect the real per marco.

Q. 99. From whom do the agents of the house of Jecker & Co. receive the real?

A. From the very parties who deposit their silver, either in the Assay Office or Mint, to be assayed or coined.

Q. 100. Is not the payment of the real made to the agents of Jecker & Co., through the hands of the person in charge of the Assay Office, or Mint, after that officer had collected it from the person bringing in the silver?

A. Generally it occurred in that manner, because the assayer is the party who first determines the ley of the silver, and reduces it to the *once dineros*, in order to collect the mining tax.

Q. 101. Under what law is this real per marco now collected?

A. The law dates as far back as the colonial government of Spain, but it was ratified during the early days of Mexican Con-

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federation, and that same law has been sustained by all the other subsequent governments.

Q. 102. Do you not know that all this old regulation about the real per marco has been latterly done away with, and ceased to exist?

A. They did exist at the time I left Mexico.

Q. 103. Has not the Fondo de Mineria, consisting of the said real per marco, been turned into the public treasury as a part of the public revenues of the Republic?

A. No, it has not.

Q. 104. Was there not, as long ago as the 30th of November, 1850, some law or decree regulating the public credit, which ignored the existence of this fund?

A. The law of 1850, known as the "Law Payno," which classified the revenue, placed the mining tax in the revenue of the public treasury; but the Oficina de Mineria continued to exist, and the collection of the tax of this branch continued to be made in precisely the same manner as before, and its proceeds were applied to the payment of the expenses to which it had formerly been applied; so that, in fact, this fund existed as independently as it existed before the passage of that law, which law was repealed, nevertheless, so far as it relates to the Fondo de Mineria, in the year 1853.

Q. 105. On the contrary, since the passage of the law of November 30, 1850, regulating the public credit, has not the Fondo de Mineria gone through many vicissitudes which it would take considerable time to explain, and which leave it now in a very equivocal condition?

A. No, sir; on the contrary, last year, Mr. Jorrin, being Minister of Hacienda, made a decree, in which it is distinctly stated that the Fondo de Mineria is a private fund, belonging to the miners.

Q. 106. I wish you to be certain in respect to your answer which you give to my last question, because I derive my information on this subject from Señor José Maria Bassoco, and have adopted his words in putting that question. In his printed deposition I find this passage:

"The law of the 30th of November, 1850, regulating the public credit, was the first which ignored the existence of this fund. Since then it has gone through many vicissitudes, which it would take considerable time to explain, and which leave it now in a very equivocal condition."

As you are both persons who might be expected to have the best information upon the subject, and as your statements are directly in conflict, I am at a loss to know what to believe about



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the matter. Do you insist that Mr. Bassoco did not know what he was talking about?

[Question objected to by the counsel for the claimants, on the ground—1st. Because, if the counsel for the Government is at a loss to know what are the Mexican laws and decrees which regulate this fund, he should resort to those laws and decrees themselves, as the best evidence on the subject; 2d. Because as those laws and decrees are written, parol proof of them is incompetent; 3d. Because the question assumes what is not proven, to wit: that Mr. Bassoco and the witness are persons skillful in Mexican law; 4th. Because it is proven by each of those gentlemen that he is not a Mexican lawyer; 5th. Because any testimony which either of them might give, which is in its nature a mere construction of Mexican laws and decrees, is irrelevant and incompetent testimony.

Counsel for the United States suggests that he thinks he may test the credibility of these witnesses by comparing their respective statements on a matter with which they both profess to be intimately acquainted.

Counsel for the claimant objects to the Commissioner writing down the suggestion of the counsel for the Government, because it is merely argumentative and should not be inserted here.]

A. I begin by answering that I adhere to my last answer. I have been asked what the laws were in relation to this matter, and I have stated what they were. I stated also how the Fondo was affected by the law called Payno, which passed in 1850. Mr. Bassoco probably was considering the matter in another aspect; he probably did not refer to the laws on the subject, but to the accidents and occurrences which took place in consequence of the revolutions which happened in the country. Mr. Bassoco probably, also, had in view, that in those revolutions the military chieftains took possession of the Fondo, and diverted it from its legitimate object or purpose, and even the authorities sometimes did the same; so that it happened occasionally that the just demands of the creditors upon it could not be met, as they would have been under usual and ordinary circumstances. The amount of interest paid to the creditors of the fund was also reduced, and I think there was also a reduction of the principal. These were probably the vicissitudes Mr. Bassoco had in view when he made the statement. When Mr. Bassoco speaks of vicissitudes and uncertainty, he is right, because the creditors of the fund feel great uncertainty and insecurity with regard to the payments out of the fund, in consequence of these revolutions. Mr. Bassoco and myself agree

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with regard to the existence of the law of Payno, and the effects of it.

Q. 107. How can you say that you and Mr. Bassoco agree about the results or construction of the law of Payno, when, according to him, that law made the real per marco a part of the public revenues, whilst you, when specially interrogated whether the real per marco had not been turned into the public treasury, as a part of the public revenue, answered that it had not been?

[Question objected to by counsel for claimant, because in a subsequent answer to that referred to in the question, when the witness explained very fully what disposition of this fund was made by the law of Payno, he says that the mining tax was placed in the revenue of the public treasury, although its proceeds were applied to the payment of the expenses to which it had formerly been applied, so that according to a fair construction of the witness' testimony, there is in the particular referred to in the question, no disagreement between himself and Mr. Bassoco.]

A. Speaking of the law of Payno, I stated that it (the law of Payno) regarded the real minero as a public revenue, but notwithstanding this, the mode of collecting the real, and the objects to which it was applied continued the same as before, and the same office of the Administracion del Fondo de Mineria, continued to discharge its functions as before, and I even added that during the administration of Gen. Santa Anna, that article of the law of Payno, which regarded the real minero as a public revenue, was abrogated.

Q. 108. Do you say that the law of Payno did or did not make the Fondo de Mineria a part of the public revenue? What do you mean when you say that the law placed the fund in the public treasury, but that it still continued as before, to be collected and expended as a private fund?

[Question objected to by counsel for claimant, because it calls for witness' construction of the law.]

A. I mean this: the law of *Payno* made the Fondo de Mineria a public revenue, but it allowed it to exist as before, as a private or particular fund, allowing it to be still appropriated to the discharge of all the claims which had formerly existed against it. It did make it a part of the public revenue, as I have stated in the first part of this answer.

Q. 109. Still, I cannot understand you, if the fund continued to be collected in precisely the same manner, and applied to precisely the same objects as before the law of *Payno*, and at the time when it was called a private fund, how could that law, making no changes in these particulars of collection and dis-

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bursement, in any sense be said to have converted that fund into a part of the public revenue, or to have placed it in the public treasury. Do you mean merely that it made this change nominally only, but that in fact there was no change at all?

[Question objected to by counsel for claimant, upon the ground that it is substantially an argument by the counsel for the Government, directed against the witness' construction of the law of *Payno*, and that the Government has no right to seek from this witness a construction of the law, and, if possible, still less right, after the witness has given his construction of it, to require him to answer arguments against the correctness of his construction.]

A. The change consisted merely in this alone. There was a capital or principal sum which accrued from or was constituted by interest which had remained unpaid. The amount of this sum was reduced by the law of Payno some thirty or forty per cent., to the best of my recollection; and the interest of five per cent. which had theretofore been paid to the creditors of the Fondo de Mineria, was reduced to three per cent.; and the other two per cent. was appropriated by the Government and taken into the public treasury. These were, in fact, the only changes.

Examination adjourned until tomorrow, at 12 o'clock M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., July 1st, 1859.

Cross Examination resumed from yesterday,

Present: Messrs Peachy and Yale for claimant, and Mr. Randolph for the United States.

Q. 110. What was the amount of the capital, or principal sum, which you say had accrued from unpaid interest, and which was reduced by the law of Payno thirty or forty per cent. and interest upon which was reduced from five to three per cent.?

A. I had no direct personal connection with those matters, but will state what I can remember with regard to them. The capital which had accrued from unpaid interest was over $2,000,000, and this sum was reduced as I stated yesterday; before this reduction, no interest was allowed upon the amount of this principal sum, but after the reduction it was provided that it also should bear interest at the rate of three per cent.

Q. 111. What did you mean by saying that the interest on the capital sum accumulated was reduced from five to three per cent. if it had borne no interest before the three per cent. was allowed?

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A. I referred then to the primitive, original debt due by the Fondo de Mineria. It is clear that this was my meaning because I spoke of a principal sum which had accrued from unpaid interest; that interest, of course, must have been due upon some principal or capital.

Q. 112. You mean, then, that the law of Payno reduced the interest on the old debt of the Fondo de Mineria from five to three per cent. and that it struck off thirty or forty per cent. from the $2,000,000 accumulated from the back interest remaining unpaid, and then added the balance to the principal sum of the debt, and allowed three per cent. interest on that also, do you not?

A. Yes, sir; that is my meaning.

Q. 113. In all that you have said, then, you have not been speaking of the Fondo de Mineria at all, but of the debt due by that Fondo, and which is an entirely different thing. As to the Fondo de Mineria itself, am I to understand that it remained unaffected by the law of Payno?

[Question objected to by Mr. Peachy, of counsel for claimant, upon the ground that it does not state correctly the substance of the testimony of witness as to the effect of the law of Payno.]

A. All that I have said did not refer to that—the debt. Yesterday I spoke of two things, viz: the collection and administration of the Fondo and the objects to which it was applied, and also of the interest that was payable out of the Fondo. With regard to the Fondo de Mineria itself, I do not think the law of Payno had any effect upon it, upon the essential thing.

Q. 114, Leaving out of view the question of the debt in all its bearings, had the law of Payno any effect at all upon the Fondo de Mineria itself; did it make any change whatever in the collection, administration, application, or in any other particular concerning that Fondo, and if so, what?

[Objected to by Mr. Peachy, because if it seeks to ascertain the witness' knowledge of the Mexican law, it is irrelevant; and if its object is to prove the law itself, it is incompetent to prove a written law by parol testimony.]

A. I now state, as I stated yesterday, that the only change made by the law of Payno had reference to the creditors and the payment of interest; it made no other change.

[Answer objected to by Mr. Peachy, so far as it is intended to prove or construe the law of Payno.]

Q. 115. If then Mr. Bassoco was not speaking of casual interruptions from the revolutionary disorders of the country, nor of the debt due by the Fondo de Mineria, but in answer to a formal question was giving the history of the Fondo de Mineria, from its origin in 1732, and the changes through which it had

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passed, in consequence of various laws which had been passed about it, and when he had brought his narrative down to the year 1850, said that the law of November 30th of that year entirely changed the condition of the Fondo de Mineria, and made it a part of the general revenues of the country, so that it was difficult to understand how the Fondo de Mineria stood after that date, and so as to leave it in a very equivocal condition —am I to understand from your answers, that Bassoco was altogether in error?

[Question objected to by Mr. Peachy; 1st. Because it makes a hypothetical statement of what Mr. Bassoco might have said; 2d. Because this hypothesis is opposed by what Mr. Bassoco really said; 3d. Because it seeks to obtain from this witness his construction of Mr. Bassoco's construction of the law of 30th November, 1850.]

A. In order to answer this question, I will have to make some statements, which I suppose it might be necessary to make here.

[Counsel for the United States requests the witness to make any statements which he may think proper.]

It will be observed from the history of Mr Bassoco, that up to 1850 the Fondo was considered as a private fund; by the law of Payno, passed in that year, it was declared that the Fondo was not a private fund, but a part of the public revenue, and although this declaration did not effect the essence of the fund, or make any other changes in it than I have stated, the creditors of the fund, who had always insisted that it was a private fund, felt greatly injured by that declaration of the law, and considered that morally it decided the question against them, and that thereby the government said in effect that it might dispose of the Fondo as it thought proper, that it took control of it as if it were part of the public revenue; but since the abrogation of that part of the law of Payno during the administration of Santa Anna, and the making of the law in 1858, which declares that the Fondo is a private fund of the miners, it seems to me that there can no longer be any legal vacillation or uncertainty about it.

Q. 116. Then you can see no foundation for Mr. Bassoco's remark that the Fondo de Mineria is "now in a very equivocal condition?"

A. I think that remark of Bassoco refers more to the effect of the political condition of the country, than to the laws touching the Fondo de Mineria.

Q. 117. But if you should be mistaken in that supposition, and if Mr. Bassoco did distinctly refer to the laws touching the

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Fondo de Mineria, how would you answer then my last question?

[Question objected to by counsel for claimant, because it requires the witness to give his opinion on Mr Bassoco's construction of the various laws and decrees of Mexico, since, and including, the year 1850, which affected this fund.]

A. In that case I would state that the laws which I know of touching the Fondo, Mr. Bassoco is also acquainted with, and his apprehensions are based, undoubtedly, not upon the laws which now exist, but upon his knowledge of the frequency with which changes occur in the Government, and in the laws of Mexico, and the danger that what one Government may do to day, may be undone by another tomorrow.

Q. 118. Although your statements and those of Mr. Bassoco are both perfectly clear and explicit, and at the same time, as it seems to me, entirely irreconcilable one with another, and although by way of hypothesis, I put you the most obvious cases of a contradiction between you and Mr. Bassoco, you seem from your answer to be unwilling to admit that Mr. Bassoco may have fallen into errors; have you not been conversing with him on the subject of your respective answers on the subject of the Fondo de Mineria, since the adjournment on yesterday?

[The preamble of the question objected to by Mr. Peachy, so far as it states there is a contradiction between the witness' construction and Mr. Bassoco's construction of the laws of Mexico since 1849, relating to this fund.]

A. I have not only not spoken to him on that subject or any other, but I have not even seen him since last Wednesday, when he was here speaking with the interpreter.

Q. 119. How is it that you can speak so confidently of the decree of November 3, 1850, and also of the decree of Santa Anna of 1853, abrogating so much of that of 1850 as changed the Fondo de Mineria from a public to a private fund, and also of the decree of the year 1858, which again expressly declared that the Fundo de Mineria was a private fund. Have you those decrees here?

A. I have not those decrees with me. I spoke in that way of the decree of 1850, because I remember it was made after a lengthy and warm discussion upon the subject between those who contended that it was a private fund, and those who claimed the contrary. I remember the modification made during the administration of General Santa Anna, because General Tornel, who was then the Director of the College, used his influence to obtain that modification, and I spoke to him upon the subject repeatedly. I remember the decree of last

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year, because the Minister appointed a commission of three persons, of whom I was one, and whose duties related to the Fondo de Mineria; and I remember that my attention was arrested, or attracted, by the publication of that last decree during the existence of this commission, and before it had time to make any report. The commission accomplished nothing, because sufficient time was not granted.

Q. 120. When you say that by the law of *Payno*, passed in 1850, it was declared that the Fondo de Mineria, was not a private fund, but a part of the public revenue, do you mean that there were express words in the law to that effect?

A. Yes, sir; that law did declare it so.

Q. 121. Did the decree of 1843, which remodeled the College of Mineria, give the constitution of the Junta Facultativa, the number of its members and of the suplentes, and also the manner of their election?

A. Those matters are all prescribed in that law, and the *reglamento* made for it in the same year.

Q. 122. Is that *reglamento*, published in the same book with the degree?

A. I have seen them both published in the same book, but not in immediate conjunction.

Q. 123. What was the special cause of the banishment of General Tornel in 1845, and also of his banishment in 1846?

A. It is difficult for me to explain those matters, but I do know it was shortly after an attempt to create a revolution, made in the palace itself, in the capital, in 1845, against the government of Herrera, that General Tornel was banished. He was banished in 1846, as I understand, because he had been a Minister under the administration of General Paredes.

Q. 124. When General Tornel was banished, what became of the Directorship of the College of Mining?

A. During his first banishment the Directorship was held by Don Tomas Ramon del Moral. During the period of his second banishment, the Directorship was held by the same Mr. Moral, by Joaquin Velasquez de Leon and myself, respectively.

Q. 125. By what appointment did Don Tomas Ramon del Moral, Velasquez and yourself, respectively, hold the office of Director of the College of Mining, during the absence of General Tornel?

A. The government made an order in that year requiring the first vocal of the Junta Facultativa to be the Director of the College of Mining *ad interim*, during the absence of the permanent incumbent. Mr Moral was first vocal of the Junta in 1846, and up to December of that year, when he went to Toluca as a deputy to the legislature of the State of Mexico.

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After Mr. Moral left, I, who was the second vocal, became first vocal, consequently the director. In 1847 there was a new Junta Facultativa elected, and Don Joaquin Velasquez de Leon was elected first vocal of the Junta, and as such, became director of the college.

Q. 126. Was not the case of the absence of the director of the college provided for by the decree and *reglamento* of 1843, and did the decree of 1845 to which you refer make any new or different provisions on that subject?

A. Mr. Moral was appointed director in 1845, in accordance with the laws on that subject which required that the Junta de Fomento should propose three persons to the government, one of whom should be appointed by the government; because in that year, 1845, the government was a constitutional government. The government which existed in 1846 was one of unlimited powers, and had a right to make what laws or regulations it chose, without regard to any previously existing laws or decrees.

Q. 127. Who was the President in 1846 to whom you allude as having exercised these arbitrary powers.

A. General Salas and General Paredes respectively.

Q. 128. Why do you say that these Presidents had unlimited arbitrary powers; did not each of them assume the government in accordance with some plan which excluded the idea of their interfering with the general laws of the country; did not General Salas also re-establish the federal constitution of 1824?

A. Although I cannot explain all about these plans, I can state that although the plan referred to did propose to establish the constitution of 1824, yet until that constitution should be established or the government under it, the President exercised arbitrary powers. It was so with both those plans, because although the other plan required the organization of a congress, until such congress should assemble the President was to exercise arbitrary power.

Q. 129. Do you not know that the very contrary of your statement is the fact, and that Paredes in the interval before the assembling of the Congress, and Salas, in the interval before the re-establishment of the Constitution of 1824, (if there was such an interval,) had no such powers, but were limited to the laws in force; the only exception, in the case of Paredes, being that he claimed the right to exercise extraordinary powers for the repulsion of the Americans?

[Question objected to by Mr. Peachy, because it implies the existence of a state of facts which is not only unproven, but is, further, not a correct statement of the powers of the Paredes and Salas Governments.]

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A. With regard to General Salas, I think he had extraordinary powers for some days; I have stated before, however, that I had no distinct recollection of the provisions of those plans, and what I have stated in regard to them is merely my recollection of the matter; I cannot speak with certainty about them.

Q. 130. In the College of Mining, were there any actas kept besides those of the Junta Facultativa?

A. There were no others kept there.

Q. 131. Why do you say that the Junta Facultativa was especially charged with the scientific branches of the college; what do you mean precisely?

A. It establishes relations with scientific corporations; regulates and modifies the courses of study, and makes up the programmes for private examinations, and examinations at which diplomas are given; and it hears the public applications for vacant professorships, and decides with regard to the merits of applicants, and makes up any reports that may be required of it on the subject of mining.

Q. 132. It was not in any particular manner charged with the superintendence of the chemical department, and with the making of reports of the assays of metals by the Professor of Chemistry?

A. The Junta was not specially charged with the examination of reports made by the Professor of Chemistry, of all assays made by him.

Q. 133. Do you know of any other instance than this of Andres Castillero, in which so much formality has been observed in the assaying of a few specimens of ore? Do you know of any other case in which the specimens were first formally sent to the Director, and by the Director as formally to the Junta Facultativa, and by that body to the Professor of Chemistry, and back again through all the same steps, communicating the result of the assay to the party who sent the specimens?

A. I remember there were several cases like this. Sometimes specimens of coal were sent, at other times water containing salt, and at other times other things for the purposes of having their properties or component parts ascertained. In some of those instances the same formalities were observed as those observed in the case of the specimens of quicksilver.

Q. 134. Do you know of any other case in which the Junta de Fomento, constituting as it did a part of the same general institution, and having its office in the same building, adopted this tedious, formal, and roundabout way to procure an assay of a few specimens of ore by the Professor of Chemistry?

[Question objected to by Mr. Peachy, because the Junta de

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Fomento was not a part of the institution known as the National College of Mining; and because, further, the measures taken by the Junta de Fomento to have an assay made of the ores and quicksilver, were not tedious, formal or roundabout, but, on the contrary, such as would have been adopted in the regular and usual course of business.]

A. I don't remember any other case.

Q. 135. Can you suggest any reason why the Junta should have adopted such a course in the case of Andres Castillero, and why the Junta might not have passed the specimens directly to the Professor of Chemistry?

A. I think it is very easy to explain why the Junta adopted that method in that case. Castillero was the only miner who presented himself to the Junta and required of it assistance to prosecute his enterprise; and before accepting his propositions, it was necessary for the Junta to satisfy itself of the quality of the ore presented to it, and the professors of the college not being subject to the authority of the Junta de Fomento, it was necessary for it to apply to the Director of the College; and if it made this application to the Director by means of an official dispatch, it did so because it desired to have an official reply, so as to be able to communicate the whole matter to the government.

Q. 136. Was not the College of Mining open to all the world, and was not the Professor of Chemistry authorized to give, and in the habit of giving, certificates of assays to whoever presented their ores for assays?

A. Yes. The Professor of Chemistry whenever he makes an assay, gives a certificate of the result of it, if it is required.

Q. 137. What more did the Junta de Fomento obtain by all the *oficios* passed between the various functionaries of the College of Mining, than the mere certificate of the Professor of Chemistry, which you say any individual might have obtained simply by asking for it?

A. Whenever the Junta had anything to do with the College of Mining, it had to be done through the Director of the College.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., July 2, 1859.

Examination resumed from yesterday.

Present: all the parties; and by consent, adjourned until Tuesday next, the 5th instant, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 5, 1859.

Examination resumed from Saturday last.

Present: Mr. Peachy for claimant, and Mr. Randolph for the United States.

Q. 138. Did President Salas, in the year 1846, issue a decree requiring the first vocal of the Junta Facultativa to be Director of the College of Mining, *ad interim*, during the absence of General Tornel?

A. He made no such decree; it was done by an order of the Ministry.

Q. 139. Please explain the difference between such an order and a decree.

A. When the Government makes a decree, it sets forth that, by virtue of such or such authority, or by virtue of its general powers, "it is decreed as follows;" when it is an order, an official dispatch is sent by the Ministry, stating that, by virtue of an order of his Excellency, the President, it is "ordered," etc.

Q. 140. What do you mean by a decree in virtue of special authority, and what by a decree in virtue of general powers; in the first case is it not always intended to be understood that the President is acting in pursuance of some law or plan, and in the second that he is acting under and by virtue of the constitutional powers which attach to his office?

A. Without wishing to be considered competent to answer correctly with regard to those matters, and without claiming that my opinion with regard to them is in all respects correct, I will state that, if a decree is made by a Government of Mexico, possessing extraordinary powers, it is usual to recite that the decree is made by virtue of such or such a plan or law; if the government making the decree be a constitutional one, it is usual to recite that the decree is made "by virtue of the authority conferred by the Constitution." etc.

Q. 141. Did you ever know of such a thing in Mexican legislation, as a decree which did not profess to be in pursuance of authority given by any plan, law or Constitution, but which was avowedly without other sanction than the individual will of the man who happened to be President?

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A. I don't remember having known any.

Q. 142. Is not an order of the Ministry, or of any particular Minister, a disposition of an inferior grade to that of either class of decrees of which you have spoken?

A. Yes.

Q. 143. Do you know of any provision, whether of a constitution, plan or law, which authorized Gen. Salas, in 1846, on the banishment of Gen. Tornel, to change the mode which the law had established for filling a vacancy in the office of Director in the College of Mining?

A. I don't know by virtue of what plan Gen. Salas went into office, but I do believe that it was provided by the plan, in virtue of which he took office, that for some length of time he should be invested with extraordinary powers, until the time when the Constitutional Government, provided for by the plan, should be organized.

Q. 144. Do you not know that Gen. Salas had no authority to change the laws which regulated the College of Mining in any particular, neither by a decree, nor still less by an order of the Ministry?

A. I believe he had the power, which I have before stated; and I believe the proceedings to elect a Director in that year, as I have stated, were legal, because the Junta de Fomento, on whom the law conferred the right of making nominations, as before stated, made no objection to those proceedings, as they certainly would have done, if the Government had exceeded its powers.

Q. 145. Why were these specimens, which Don Tomas Ramon del Moral brought to the College of Mining, given to the Professor of Chemistry to be assayed, when I see by the decree reorganizing the college, that there was a Professor who had charge of the Laboratory, and whose business it was to make experiments and test the value of ores?

A. The reason why they were sent to the Professor of Chemistry was, that he was the only person who had charge of such matters in 1846, for although the decree provided that there should be a Professor of chemical analysis, still there never was any such professor.

Q. 146. What is the meaning of the word *ensayar* to assay?

A. The word *ensayar* among miners, means the determination of the quantity of metal existing in any given quantity of ore; the word *ensayar*, when applied to the precious metals, means the determination of the degree of fineness of an ingot.

Q. 147. Is not the determination of the fineness of an ingot of the precious metals, the correct and scientific definition of the word *ensayar?*

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A. That is the correct scientific definition with regard to the precious metals, but not with regard to minerals generally.

Q. 148. Is not the correct scientific term, and that always used in the college of mining to express the determination of the quantity of metal in a given piece of ore, *analisar*, just as in the decree to which I have referred the professorship charged with that business is called that of *analisis?*"

A. No. The meaning of the word *ensayar*, is what I have already stated. The word *analisar* has a more extensive signification, it means to ascertain the nature of each and all of the component parts of any substance.

Q. 149. Is not the use of the word *ensayar* in the papers which refer to the operations performed upon the specimens brought to the College by Don Tomas Ramon del Moral, as the agent of Castillero, entirely incorrect, and one which would not have been used by the Professor of Chemistry, the Junta Facultativa, and the Director?

A. On the contrary, I think that is precisely the term they should have used, because they wanted to find out how much quicksilver there was, without regard to the other substance.

Q. 150. But in order to ascertain the value of the quicksilver in the mass, was it not alike the scientific and practical plan to make a complete analysis and find out all the substances with which it was combined in the given mass is not that the way in which this class of experiments is made in the College of Mining?

A. That is not the mode observed either in the College of Mining, or anywhere else in the Republic, when the object is to ascertain the quantity of one particular metal.

Q. 151. On your direct examination you say that the communication from the Junta to the Director of the College is dated April 21, 1846, and the *acuerdo* of the Director, referring that communication to the Junta Facultativa, is dated April 23, 1846; what *acuerdo* do you refer to?

A. It is this marginal note on the first page of "Exhibit Bassoco No. 10," in these words, the translation of which is as follows: "April 23, 1846. Let it pass with preference to the Junta Facultativa of the College. (Signed) Tornel."

Q. 152. When asked on your direct examination if you had any knowledge of what the Mexican Government did for the protection of Castillero, and for the encouragement of the mining enterprise, and from what source you derived that knowledge, if any you had, you answered, "I knew from conversations which I had with the Director, Mr. Tornel, and Castillero himself, at the time of the *acuerdo*, etc., etc." What *acuerdo* do you there refer to?

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A. I did not answer as stated in this question; my answer in regard to that matter was, that my knowledge of what the government had done for Castillero, was derived from conversations which I had with Mr. Moral and Castillero himself; I said nothing about this, nor any other acuerdo in that connection; I may also have referred to the agreement between Castillero and the Junta de Fomento.

Q. 153. In the question, I have copied your words from your deposition as printed, and undoubtedly correctly printed from the original; it seems to me that you ought to know certainly whether you spoke of an acuerdo or not. Do you say now positively that you did not derive your knowledge of the matters referred to from any conversations with the Director Tornel, and that you did not refer to the acuerdo, the words of which I have cited above?

[The first part of the question objected to, by Mr. Peachy, of counsel for claimant, on the ground that, if the witness is to be referred to his former answer, it must be shown to him as it was written by the Commissioner, and not as it is printed in the newspaper report; and the second part of the question objected to on the ground that it implies an incorrect statement of witness' last answer.]

A. I have observed some confusion in these questions touching this matter from the beginning, for I was first asked with regard to this marginal note or acuerdo, and then questioned with regard to grants by the government, and I am unable to see any connection between these two matters, for this acuerdo of course was made before any grant.

My answers in regard to this matter are based upon the idea that I have been asked to state how I knew that the government had made any grants, and as the acuerdo was made before the grants, I could not have stated that I derived my knowledge of the grants from the acuerdo.

If you wish me to state the source of my information about those matters, I can very easily state it.

Q. 154. Counsel for the claimant asked you for your source of information on that subject, but I did not; in answer to his question, you mentioned, amongst the sources of your information, that you had learned it from Castillero himself at the time of the acuerdo, as your answer is printed; you now say that these conversations with Castillero were not at the time of the acuerdo, but that you may have referred to the agreement between Castillero and the Junta de Fomento; do you mean that these conversations with Castillero occurred about the date of that agreement; if not, what do you mean by referring to the agreement in that connection?

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[Question objected to by Mr. Peachy, of counsel for claimant, on the ground that the witness is referred to the newspaper report, instead of the original answer.

The custodian of the foregoing part of this deposition being absent, the Commissioner is unable to procure it at this moment.]

A. What I mean to say is, that I have acquired my knowledge of the matter to a great extent from my own official acts, and when the matter was initiated in the Juna Facultativa of the college, Castillero was not even in Mexico, so that my knowledge of the matter could not be derived from conversations had with Castillero at that time; my conversations with him upon the subject were had after the agreement between him and the Junta de Fomento was made, and at the time the escritura was about being drawn up.

Q. 155. I am endeavoring to ascertain the time when those conversations with Castillero occurred, which, on your direct examination, you said were in part the source of your knowledge of what the Mexican Government did for Castillero, and for the encouragement of his enterprise. In your deposition, as printed, you say that these conversations occurred at the time of the acuerdo, but you now say they did not occur at that time, in answer to the 152d question; and, on cross-examination, you say you may have referred to the agreement between Castillero and the Junta de Fomento, but you now say they did not occur at that time, but afterwards, when the escritura was about being drawn up by the notary. How did you come to know anything about this escritura, or whether there was one to be drawn up or not?

[Counsel for claimant objects to so much of the question as states the newspaper report of a former answer, especially as the interpreter, who is now present, and who rendered the question from Spanish into English, declares he is positive that the said answer is incorrectly printed, and has so said from the time that the counsel for the Government first drew the witness' attention to that answer.

Counsel for the United States states that he puts the question subject to the correction by the original when it can be procured, but cannot, after the lapse of several days, consent to corrections made from memory.]

A. Speaking of events which are past, one may not always express his ideas accurately, so that, when I say I had those conversations with Castillero at the time of the agreement, and also at the time that the escritura was about being drawn up, I mean simply that I had several conversations with him on the subject.

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What I mean to say is, that I am perfectly certain that, after his return to Mexico, I had several conversations with him on this subject; with regard to my knowledge of the escritura, it is derived from what Mr. Moral and Castillero said to me, and I also know of it because those matters were then notorious in Mexico, and we of the College were very desirous to know what the result of Castillero's proposals to the Junta would be.

Q. 156. When asked why you supposed the Junta de Fomento sent the specimens of cinnabar to the Director of the College of Mining, accompanying the same with a formal dispatch, you said that the proceeding was of easy explanation, and made use of these words: "Castillero was the only miner who presented himself to the Junta and required of it assistance to prosecute his enterprise." Do you mean literally what you say, and so far as you have any knowledge, no one else made like application to the Junta?

A. Castillero did not present specimens of quicksilver to the Junta de Fomento, they were presented by his agent, Don Tomas Ramon del Moral. I have no knowledge of any other miner asking for similar protection from the Junta.

Q. 157. If in fact the Junta de Fomento, etc., had been engaged commonly in protecting and encouraging miners, would you not undoubtedly have had some knowledge of it?

A. I would not have known it. The Junta may well have done such business without requiring any intervention from those connected with the College. It would only be in cases where it was required that the matter should pass through the College, that I should have any knowledge of it.

Q. 158. Then the Junta de Fomento, etc., might every day have protected and encouraged some miner, just as Castillero had to be protected and encouraged, for all that you can swear to the contrary, might it not?

A. The Junta de Fomento's special business was to attend to quicksilver mines, and I presume that, from prudential considerations, in matters of importance it would apply to or consult with the Junta Facultativa—a body well instructed upon such subjects.

Q. 159. It does not matter what you presume. Can you or can you not swear that the Junta was not engaged in giving to miners every day the same protection and encouragement that Castillero asked for?

A. I cannot swear one way or the other.

Q. 160. Then how was it when you attempted to account for the action of the Junta de Fomento in this matter of Castillero that you did swear "Castillero was the only miner who presented himself to the Junta and required of it assistance to prosecute his enterprise?"



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A. Because he was the only one that ever did so to my knowledge, or of whom I had ever heard.

Q. 161. But if you were not likely to know anything on the subject, one way or the other, as you now say, the matter being entirely out of the line of your business, and as there might be one every day in the year for all that you would know to the contrary, with what object did you make a declaration so useless, under the circumstances, as that "Castillero was the only miner who presented himself to the Junta, and required of it assistance to prosecute his enterprise?"

[Question objected to by counsel for claimant, on the ground that it incorrectly states the substance of the witness' testimony as to the likelihood of the Junta Facultativa knowing of such a contract as this between Castillero and the Junta Facultativa.]

A. There is another reason, in addition to what I have stated, to show that my idea about it was correct, viz: that in all the publications of its proceedings which the Junta has made, no other transaction of that kind than that of Castillero appears.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 6, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy for claimants, and Mr. Randolph for the United States.

Q. 162. You say that Don Tomas Ramon del Moral brought to your apartments in the college, a box containing some specimens of cinnabar and sundry other things, which had been sent him by Castillero from California; did you learn by what conveyance those things had been sent to Moral, and who was the person who brought them?

A. No sir; I only learned that Mr. Moral received them from General Herrera.

Q. 163. You say that you were surprised at the arrival of Castillero so soon after the specimens; about how long after was it?

A. I can't state exactly how long, but it was only a few days.

Q. 164. How many weeks?

A. I can only guess at the length of time; I cannot state it positively.

Q. 165. As you remember so distinctly that you were surprised at the shortness of the time, how is it that you have no distinct idea as to how long it was?

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A. I repeat that the arrival of Castillero surprised not only myself, but the other professors of the college, because he was not expected at that time; but when I am asked to state precisely the number of days, I answer that it is impossible for me to do so; I can state that, by approximation, as nearly as I can come to it, it was some twelve or fifteen days.

Q. 166. About how long before the date of the acuerdo of Gen. Tornel, transmitting these specimens to the Junta Facultativa, was it that those specimens had been received in Mexico?

A. Whatever I might state with regard to the number of days would be merely an approximation, not the exact number—that I am unable to state; it was about a week more or less.

Q. 167. The acuerdo to which I refer is dated 23d April, about a week before that would be about the 16th or 17th April, and twelve or fifteen days after that would be about the 1st May; is it your impression that Castillero reached Mexico as early as the 1st May, 1846.

A. I cannot state whether it was on the first day of May or not, but it was about the beginning of May.

Q. 168. Did you make any memorandum of the contents of the box which Moral showed you?

A. I did not.

Q. 169. How, then, was it possible for you to state so precisely the list of the articles contained in the box?

A. Because I examined them repeatedly, not only when they were first received, but subsequently also; and those specimens or the greater part of them, were placed in the cabinet of mineralogy, where we have often since had occasion to see them.

Q. 170. Are there not a great variety of specimens in the cabinet of mineralogy, received at various times and from various persons, and which, as a professor, you have been frequently in the habit of inspecting—how is it possible that you can now, from memory, swear to a list of the contents of one particular box, received from a particular person more than thirteen years ago?

A. It is true that there are in the cabinet of mineralogy a great many specimens of the same substances, but each one has a ticket to it, stating the name of the substance or mineral, and the place where it was found, and the name of the person who discovered it or transmitted it to the establishment, and on the ticket attached to the specimens sent from California, there is a particular statement of the place where they were found, with the name of Castillero. The reason why I remember the contents of the box, is, that the specimens which it contained were examined so often by myself and the other professors, and they were spoken of so frequently at the time in the

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college, that a distinct impression of the matter remains upon my memory, as it naturally would. Any person acquainted with the science of mineralogy will retain a stronger impression of any examination of that kind than a person who is not possessed of such knowledge.

Q. 171. Can you now, from memory, give me the catalogue of any other box of minerals presented by or on behalf of any other person than Andres Castillero, in the month of April, 1846, or in any other month of that year?

A. I saw no other box of specimens in that year.

Q. 172. But did you not see in that year any other minerals than those which had been presented by or on behalf of Castillero?

A. I saw no specimens of minerals sent to be examined in that year, except Castillero's; I mean none that were sent to be examined in that manner. I frequently saw specimens brought by individuals to be examined in the Cabinet of Mineralogy or Laboratory, but none others that were sent in a box to be opened and examined there, with the same particularities observed in the case of Castillero's specimens.

Q. 173. Is it the closed box, and the particularities about which you speak of, which enabled you to give the list of the articles which were presented by or on behalf of Andres Castillero?

A. No sir; the box was brought to my own apartments, and this is one fact which enables me to remember about it; and the other particularities which enable me to remember it, are, that it was received from General Herrera, who had just been President, and that it was accompanied by a letter addressed to Mr. Moral, as Director of the College, and the careful examination which we made of the minerals, and which gave us at once an idea of their richness.

Q. 174. Can you remember now the list of the various articles composing any other parcel of minerals which, at any time in the year 1846, you saw in the Cabinet of Mineralogy, or in the Laboratory, and in respect of which you are not aided by such particularities as enable you to recall the list of specimens presented by Andres Castillero?

A. No sir; I do not remember.

Q. 175. As you have so special a recollection of the list of articles presented by or on behalf of Andres Castillero, and of all the minute particulars accompanying the transaction, does it not seem to you strange that you cannot fix more precisely the date of this remarkable occurrence, or of the arrival of Andres Castillero?

A. I think this is very easily explained. The discovery of a

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rich quicksilver mine, the examination of the specimens, and the other particulars I have mentioned, were matters intimately connected with my profession and occupation, and therefore my attention was specially fixed upon them, whereas the date was a matter of no importance to me, because I never supposed that I would ever find it necessary to remember or state it.

Q. 176. When was the last time that you made an examination of, or looked over these specimens alleged to have been presented by or on behalf of Andres Castillero, and of which you have given the list from memory?

A. I have seen them so often in the Cabinet of Mineralogy, that I can't remember when the last time was.

Q. 177. Knowing that you were to be examined about them, did not you go and take a look at them before you left Mexico, in order to be sure that you recollected exactly what they were?

A. No, sir. I lived in the college some ten or twelve years after they were received there, and during that time was in the habit of accompanying visitors to the establishment through the Cabinet of Mineralogy and seeing these specimens there very frequently. It was, therefore, not necessary for me to examine them again before I came here.

Q. 178. Was it your habit on such occasions to call the attention of visitors particularly to those specimens of Andres Castillero?

A. No, sir.

Q. 179. Then, so far as your showing visitors through the Cabinet of Mineralogy is concerned, you would have no better recollection of those specimens than of any other, would you?

A. I certainly would, because the arrangement of the Cabinet and my knowledge of the specimens therein contained was such that I would be able to point out, merely by looking at the case, the specimens of California cinnabar sent by Castillero.

Q. 180. But would you not be able to do precisely as much with respect to any other specimens?—if not, why not?

A. No, I would not; because none of the other minerals received as much attention from me as the specimens of California cinnabar.

Q. 181. Can you not, for example, now recall to your mind the case containing the specimens of cinnabar from the State of San Luis Potosi, and give the list of particulars, as you have done in respect to these specimens of Andres Castillero?

A. I have an idea with regard to the specimens from San Luis Potosi, but I am not so clear with regard to them as I am with regard to Castillero's specimens.

Q. 182. Did not the discovery of cinnabar in San Luis Potosi

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excite an equal attention in the College of Mining to the discovery of cinnabar in California?

A. No, sir; because it was known for a long time that there were quicksilver mines there, and elsewhere in the Republic, and that, with the exception of Guadalcazar, they were all too poor to be worked; and the mines of Guadalcazar were worked solely because the price of quicksilver from the Almaden mine in Spain was very high, whereas the mine of New Almaden, in California, has reduced the price of quicksilver to nearly one-half of what it formerly was.

Q. 183. But, as all this reduction in the price of quicksilver has happened recently, and could have had no effect to impress you with what occurred many years before, I ask you now whether you can recollect who brought specimens of the ore from Guadalcazar to the College of Mining, and whether such specimens were brought in a box or not, and of how many different articles the parcel of specimens was composed, etc., etc., as you have testified in relation to the specimens from California?

A. I did not receive the specimens which came from Guadalcazar and other places, (although I have seen them in the cabinet and know their ley,) and therefore cannot state how they came, whether in boxes or otherwise. I may also add, that some of those specimens were in the cabinet before I commenced the study of mineralogy.

Q. 184. A year or two before the discovery of cinnabar in California, were there not discoveries of that metal in Guadalcazar which were regarded as very important? Did not the supply from those mines in 1846 equal the demand in the State of San Luis Potosi? And can you tell me what the Government did upon the receipt of the intelligence of those discoveries, or whether it did anything, and what the Junta de Fomento did, or whether it did anything?

A. There were no such discoveries. I don't know the number of quintals of quicksilver produced by the mines of Guadalcazar in that year, but it may have been sufficient to supply the demands for that year of San Luis Potosi alone. As I have said before, there were no discoveries which were considered important at the time referred to, and with regard to the Junta de Fomento, I believe it gave a certain premium, provided for by law, for each quintal of quicksilver taken out anywhere in the Republic.

Q. 185. Was not the State of San Luis Potosi a rich mining State, and would not the discovery of mines which in two years from their opening had supplied all the quicksilver consumed in that State, have been regarded in 1846 as a very important discovery?

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A. The State of San Luis Potosi was a pretty good mining State, though now it is one of the worst. I do not think such a discovery would have been considered important to the whole Republic; it would be considered important to the State of San Luis Potosi.

Q. 186. Have you a personal recollection of any matters or things concerning the quicksilver mines of Guadalcazar, or of any action of the Government or the Junta de Fomento with respect to the same?

A. I do not remember anything of the kind, except what I have stated about the Junta de Fomento giving so much for each quintal of quicksilver taken out at Guadalcazar, or elsewhere in the Republic.

Q. 187. Don't you recollect reading about these mines of Guadalcazar, in the report made by the Junta in the year 1846?

A. I did read something about it, but I don't remember what it was.

Q. 188. How is it that you were so strongly impressed with the few specimens of cinnabar in a box, which were shown to you in April, 1846, and have no better recollection than you have just stated concerning the mines of Guadalcazar, which at that very time were yielding quicksilver enough to supply the demands of a mining State?

A. I have already stated the reasons why I remember the occurrences connected with Castillero's specimens; I presume those reasons need not be repeated here; I have no such reasons to remember the quantity of quicksilver produced from the mines of Guadalcazar, for although I have seen some specimens from there, and know something about those mines, (though not much,) I of course cannot remember matters which I merely read or heard of as distinctly as I remember occurrences in which I took part myself, as I have stated before. There is another important circumstance which has kept the matter alive in our memory, which I omitted to mention, viz: that we—all the Professors in the College—have very often expressed to each other our regret that the escritura of the agreement entered into between Castillero and the Junta de Fomento had not been executed; especially have we regretted it since we have seen how great would have been the benefit derived to the Junta, if the escritura had been executed.

Q. 189. Suppose it had been executed, what benefit would have been derived to the Junta—what do you mean?

[Question objected to by Mr. Peachy, of counsel for claimant.]

A. I mean the pecuniary advantages which would have re-

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sulted to the Junta de Fomento, and which would have assisted to pay off the debt due by the Fundo de Mineria.

Q. 190. Do you wish me to believe that these are the regrets which you say the professors have been in the habit of expressing to one another?

A. Those were not the only regrets, because we also considered that it would have been highly honorable for the Junta de Fomento to have assisted an enterprize which gave such splendid results, and which would have procured for the miners of the Republic what was so essential to their success.

Q. 191. Do you mean that you and the other professors regretted that the Junta had not derived the advantage and the honor of investing a part of the Fondo de Mineria in a mine situated in the United States?

A. At the time of the occurrences which I have spoken of, this was still a part of the Mexican territory. Our belief also was (though it perhaps may not have been correct) that as this was a private body or corporation, any rights acquired by it would be respected. I state this merely as the opinion which we entertained on the subject, and which I still entertain.

Q. 192. I wish to understand you accurately, and therefore ask another question. Do you mean that the professors of the College of Mining in the city of Mexico have been in the habit of entertaining the opinion that the Junta de Fomento, constituted and conducted as appeared from the Mexican decrees for the benefit of the general mining interest of the Mexican nation, would, if the writing of agreement with Castillero had been executed, have continued all along to draw a revenue from the New Almaden mine in the State of California?

A. That is what we considered.

Q. 193. What is the reason that Don Tomas Ramon del Moral brought his box of specimens to your apartments in the college?

A. The only reason I can give is that Moral and I were very intimate, and it was at my room that the professors generally met; it was a sort of rendezvous for them.

Q. 194. Was it from those specimens which Moral brought to your room that the assay was made, the result of which was sent to the Junta, or from some other specimens which the Junta had sent to the director?

A. It was made from the specimens which Mr. Moral brought in the box.

Q. 195. Was the box opened in your room for the first time?

A. Yes, sir.

Q. 196. You said that part of the specimens of cinnabar were given to the Professor of Chemistry to be assayed, and the remainder were deposited in the Cabinet of Mineralogy in the

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college. Do you mean that these dispositions embraced all the specimens that were contained in that box?

A. I did not distribute the specimens myself, but, as I understand, Mr. Moral gave part of them to the Professor of Chemistry, part was placed in the Cabinet of Mineralogy, and the remainder, no doubt, was taken by Mr. Moral to the Junta.

Q. 197. Do you remember what was the quality of the stone coal which constituted a part of the contents of the box?

A. I am not sure, but I think it was the kind called "carbon pardo." It is not so dark as anthracite coal, nor has it the same physical appearance. It has no bituminous smell.

Q. 198. Was that specimen of coal analyzed?

A. I believe it was not analyzed.

Examination adjourned until tomorrow at 12 o'clock.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, July 7, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for the claimant, and Mr. Randolph, for the United States.

Q. 199. You have said that you remembered that you were present at the meeting of the Junta Facultativa, which occurred on the 24th April, 1846, but which appears by the copy of the actas of that Junta, in evidence in this case, to have been held on the 24th of March, 1846:

What enables you to remember the fact that you were present at that particular meeting?

A. The reason why I remember that I was present on the occcasion is, that for several days next preceding that meeting, my attention had been devoted to the subject which was laid before that meeting.

Whenever the Director, Mr. Tornel, received any communication from the Government, or other body, and which concerned the college, I, as prefect of studies, was of course the first person with whom he would communicate on the subject.

If it is desired, I can repeat what occurred at that meeting.

Q. 200. The reasons which you have stated would render it probable and natural that you attended that meeting, but I asked you if your memory was aided by any facts which you could now recall, when you swore that you had a personal recollection that you attended that particular meeting.

[Question objected to by Mr. Peachy, because the facts mentioned in the last answer have not only the effect ascribed to

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them in this question, but would also enable the witness to remember that he was present, which by implication the question denies.]

A. The only other fact that I can remember now, is the discussion which took place at that meeting.

Q. 201. Would you have had any confidence at all in saying that you were present at that meeting, if you had not seen your name in the minutes or actas of the same?

A. If I had never seen the actas at all, I would be able to say positively that I was present at that session.

There is another circumstance which also assures me of it, viz.: that I never was absent from the sessions of the Junta while I lived in the College, especially when there was any important matter under consideration.

Q. 202. Can you now recall any other meeting of the Junta Facultativa, and swear to the business which was transacted at the same, and that you were personally present, and which occurred as long ago as the year 1846?

A. I can recollect not only one, but several.

I remember one meeting at which the matter considered and debated was the manner of filling the professorship of French; how the meeting should be called for that purpose, etc.

At another meeting, the matter debated was a proposal to the government to abolish the rectorship.

At another meeting, the matter considered was the filling of a vacancy in the professorship of preparatory studies.

Several meetings held for the purpose of regulating the examinations, especially the examinations of professors, but more especially the examination of surveyors. I presume this is sufficient.

Q. 203. At what time were these various meetings held?

A. All these meetings were held about the time that the Castillero business was being done, in 1845 and 1846.

Q. 204. Which of them in 1845, and which in 1846, and in what months of those years?

A. There is perhaps not more than one of them with regard to which I remember the month in which it was held, because I have a reason for remembering the month in which it was held; that was the meeting at which was discussed the question of abolishing the office or station of rector, and which occurred in September, 1846, I think.

Q. 205. If you were to see the acta or minutes of that meeting, and find the date to be August or October, would you venture from your memory alone to say that it was a mistake, and that the true date was in September?

A. I would venture to state that it was a mistake, because

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I know that that meeting was held during the first few days that Mr. Rejon was Minister of Relaciones Interiores y Exteriores. It is by knowing this that I would be able to state that there would be a mistake in the case supposed.

It was with the Minister of Relaciones Interiores y Exteriores that the College communicated.

Q. 206. Under what President was Rejon Minister?

A. Salas.

Q. 207. At what time under the administration of Salas; was it immediately upon his assuming the Presidency?

A. It was immediately; it was during the first days of the Revolution.

Q. 208. Did not the Revolution of Salas occur in August, 1846?

A. I believe so.

Q. 209. Then, why might not the meeting of the Junta Facultativa to which you refer also occur in August, as you fix its date by saying it was during the first days of the ministry of Rejon, which began in that month when Salas came into power; how is it that you say that you could correct the date, if the actas of that meeting showed that it occurred in August?

A. The government of Salas was attending to more pressing matters during the first days of its existence, and the question about the rector was not debated until after the government was organized, until ministers had been appointed, etc.; therefore I think it must have been in September.

Q. 210. How many days do you allow for organization, and what did you mean by saying that the meeting occurred during the first few days of the ministry of Rejon, and that he came in with Salas in the month of August?

A. It is impossible for me to state how many days were required for organization. I mentioned that it was during the first few days that Rejon was Minister, because I was unable to state the precise number of days. There is another fact which I remember, and which also strengthens my recollection with regard to those matters, viz.: that when this meeting of the Junta touching the matter of the rector was held, Mr. Tornel was still Director of the College. It was before he was banished.

Q. 211. Do you know on what day of the month of August General Salas assumed the Presidency, and on what day General Tornel was banished?

A. I don't remember the day on which either of those things happened.

Q. 212. How, then, from either of those circumstances, are

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you enabled to fix the date of a certain meeting of the Junta Facultativa with so much precision, that you would venture now, at the end of thirteen years, to correct the contemporaneous minutes of the same, and to swear that it was held in the month of September, and not in the month of August, if in the actas it was so expressed?

A. There is a good deal of force in this reasoning, but the more this matter is discussed the stronger becomes my recollection. I now remember another circumstance, which is, that when the office or station of rector was abolished, several of the duties theretofore performed by the rector devolved upon me.

Q. 213. Tell me, as nearly as you can, the date when Salas became President.

A. I don't remember. Whatever I might say with regard to that would be merely guessing at it.

Q. 214. Could you swear that it was not in the last days of July?

A. I think I could; it was called the Revolution of August, and therefore I remember the month.

Q. 215. As the Revolution at that time, particularly, was surely a much more striking and memorable event than a particular session of the Junta Facultativa of the College, and you can only fix the former within thirty, or at best within fifteen days, how is that you are so much more accurate about the latter, and are able to say that it occurred in the first days of September, and not in the last days of August?

A. It is very true the Revolution was a notable occurrence, but it was one which had a general bearing and effect upon everybody, and one would not be as likely to remember the date of it as the date of an occurrence which had a direct personal relation to one's self. I have already given the reasons why I remember that occurrence, and I think they are more than sufficient.

It is also to be observed that revolutions are so frequent in our country, that they do not leave as strong an impression on the memory as they do in countries where they are less frequent.

Q. 216. By referring to the Ministry of Rejon, the banishment of Tornel, etc., you have in effect yourself undertaken to prove the date of the session in question, by the date of that revolution; is it not therefore plain to your mind, that if your recollection is so vague as to the revolution, it must be equally uncertain as to the date of the session?

A. No, sir; at least I do not feel so.

Q. 217. As you are a man obviously intelligent, please ex-

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plain to me why it was that you referred to those public matters in order to fix the date of the small private matter of the meeting of the Junta Facultativa, and yet admit that you have a very vague and uncertain recollection of the matters you refer to?

A. I did not state what day in September the meeting took place. The reason why I referred to those public matters was, that the persons who figured in them were connected in my mind with the meeting of the Junta, which was as you say a private matter—for instance, Mr. Rejon was the Minister, as I have stated, and Mr. Tornel was the Director of the College, and was banished by this very government of Salas, soon after its establishment, and the meeting took place before his banishment. As I stated before, I can remember much more distinctly matters which were directly within the line of my business, and affected me personally, than matters which were of a general and transitory nature. I have already stated my reasons for believing that the meeting took place in September, and I am fully convinced that it did, and if those reasons are insufficient to others, they are not so to me.

Q. 218. If the meeting occurred under Rejon, and he began with Salas early in August, and before the banishment of Tornel, and he was banished in September, do you not see that the meeting might still have been held in August, and, if so, my question is why a man of your intelligence referred to those circumstances to prove that it happened in September?

A. In addition to the reasons mentioned in the question, there was the fact that I took a passive part in bringing about that reform, *id est*, the abolition of the office of rector, a circumstance which I distinctly remember, and which happened a short time before General Tornel was banished.

Q. 219. On the first day of your cross-examination, you said that Gen. Tornel was exiled from August, 1846, to February or March, 1847—do you wish now to change that answer, and say from September, 1846?

A. Speaking about dates, I am never very precise. Now, after these last questions have been put to me, I remember more distinctly about the matter, and I think that it was in reality in September that Gen. Tornel was banished.

Q. 220. Are you now perfectly certain that Gen. Tornel was *not* banished in August, 1846?

A. After the reflection which those last questions have induced, I am almost certain that he was not, but in September.

Q. 221. I did not ask you whether you are almost, but whether you were entirely certain?

A. I can say that I am entirely certain.

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Q. 222. You have sworn now to a personal recollection of quite a number of the meetings of the Junta Facultativa, at all of which you were personally present, and that one occurred in the month of September, 1846, and the rest at various times during the years 1845 and 1846: Have you not at some time within this year refreshed your memory as to these matters, by looking over the actas of the Junta, or any other cotemporaneous memoranda?

A. I have not made any such examination. I have stated those matters exactly as I remembered them when the question was asked.

Q. 223. You have said that the date of the actas of the Junta Facultativa in relation to the assay of Castillero's specimens, etc., etc., etc., should properly be the 24th of April, and not the 24th of March, 1846, and in support of that assertion referred to the date of the communication from the Junta de Fomento to the Director of the College, which is 21st April, 1846, and also to the date of the *acuerdo* of the Director of the College, referring the aforesaid communication to the Junta Facultativa, and thence inferred that as the session in question was held in consequence of those proceedings it must have been in April, and not in March: Have you any distinct personal recollection of the date of that session of the Junta Facultativa, independent from your inferences from those papers?

A. I have not any such recollection with regard to the date.

Q. 224. You have also said that nothing was known in the College of Castillero's discovery, as early as the month of March 1846; might you not be mistaken? What circumstances can you recall, independent of the papers in this case, which enable you to swear that you first heard of the discovery in the month of April, and not in March or February, or January, 1846.

A. The reason why I have stated that nothing was known in the College in March, 1846, about this discovery of Castillero's, is this: The College, as I stated before, felt a deep interest in Castillero's matter and in the negotiations which were going on between him and the Junta de Fomento, and knew that the agreement between Castillero and the Junta was in the hands of a notary to be drawn up in the usual form of an escritura; so that when it became known that the escritura would not be ratified or signed, we naturally inquired why this had happened, and found that it was in consequence of an order made by the Ministry of Hacienda in May, 1846; and as we knew the matter was first known of in the College the month before that order, it is evident that it was in the month of April that we of the College first heard of it.

Q. 225. The circumstances which you say make it evident

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that nothing was known of this discovery in the month of March, 1846, are all to be found in the papers in this case, and I asked you for your personal recollection independent of all those papers—I mean of the exhibits from Mexico: Have you any such recollection; is it aided by any other circumstances than the statements contained in those exhibits, and if so, by what circumstances?

[Question objected to by Mr. Peachy, on the ground that it is not proved that the witness is acquainted with those exhibits, and he should be first asked what knowledge he has of them.]

A. There was a matter that interested me personally, and which also makes me remember those things, and that was that Mr. Moral spoke to me about having me sent out here to take charge of this mine; and I remember perfectly well that Mr. Moral spoke to me about this matter in April, 1846, and it was in that month that we first heard of it in the College.

Q. 226. You have also said that the box containing the specimens was not received until April—was the receipt of the box the first intimation of the discovery received at the College?

A. Yes, sir; the receipt of the box was the first we knew of the discovery; and for myself, I had never even heard Castillero's name before that.

Q. 227. I suppose that the opening of the box, assay of the specimens, and other proceedings in relation thereto, took place immediately after the box was received in Mexico?

A. All that I know is, that General Herrera sent it to Mr. Moral as soon as he had received it, and Mr. Moral immediately brought it to my room, and then the other proceedings followed without unnecessary delay. The proceedings went right along.

Q. 228. Did you ever learn why that box and letter destined for Moral were sent through the hands of General Herrera?

A. I think there were friendly relations existing between Castillero and General Herrera.

Q. 229. Were they sent to General Herrera under the impression that he was still President, or as a private individual?

A. I think it was supposed that he was still President; but when the specimens arrived he was not.

Q. 230. Do you suppose it probable or possible that any knowledge of this discovery was in the possession of the government or any of its high officers before the arrival of the box, etc.?

A. I think not.

Q. 231. Would it not be altogether improbable that full knowledge of the discovery, and specimens of the ores, or of the quicksilver itself, should have been in possession of the Government for a week or two before the arrival of the box, and

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yet no information of the same had been communicated to the Junta de Fomento, or to the Mining College?

A. There was no reason to keep the news of such discovery a secret; on the contrary, the Government and the Junta de Fomento at that time were paying great attention to the subject of the discovery of quicksilver mines, and that was considered a very important matter, and if the Government had known it, it would undoubtedly, in my opinion, have been made public.

Q. 232. Did you ever hear that about two weeks before the box of specimens arrived, about which you have been speaking, José Maria Covarrubias, a distinguished citizen of California, had arrived at the city of Mexico, bringing a letter from the Governor of California to the Minister of Relations, in which he communicated officially the discovery made by Castillero, and dwelt upon its importance, and with which he sent a sample of the quicksilver, and a letter addressed to himself by Castillero, giving him the information which he transmitted?

A. I never heard of this before.

Q. 233. In asking you this question, I have in view a certain expediente which the claimants of the New Almaden Mine lately produced before the Circuit Court of the United States, and I ask you in view of the profound impression which you say was produced in all quarters by the arrival of the box of specimens sent to Don Tomas Ramon del Moral, whether you do not consider it incredible that the Government had for nearly two weeks been in possession of such full and authentic information upon the same subject?

[Question objected to by Mr. Peachy, because it inquires the opinion of the witness only.]

A. I have stated before, and I now state again, that I can see no reason why the Government, if it had such knowledge, would have kept it secret. I may also remark that in all the communications which passed with the Junta de Fomento, in relation to the discovery, there was nothing said about the matter referred to in this question; and we in the college were surprised by the news of the discovery, because we had heard nothing of it before; and with respect to the letters referred to, we knew nothing of them then, nor now.

Q. 234. Do you remember the result of the assay made of these specimens, viz: that it was thirty-five and a half per cent., or do you make that statement merely because you see it in the actas of the 24th March (April)?

A. I stated that, not from what I saw in this paper, but because I was anxious to learn the result of the assay, and I was probably the first person to whom it was communicated

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by the professor of chemistry; it was also stated at the meeting of the Junta on the 24th April, but I knew it before.

Q. 235. In the actas of the 21st March (April) I read that the Junta Facultativa resolved that the Director be exhorted to interpose his influence with the Government and the Junta de Fomento, to the end that Castillero should be rewarded efficaciously for having made so important a discovery. What was it that the Junta Facultativa wished the Government to do?

A. It will be seen that the recommendation is a general one, but what the Junta had in view in making it was, that the Government should facilitate as much as possible the negotiations between Castillero and the Junta de Fomento, and that it should make no opposition to the agreement between Castillero and that Junta, and that it should approve it.

Q. 236. What negotiations between Castillero and the Junta, and what agreement (*convenio celebrado*) between them did the Junta Facultativa have in view, and wish the Government not to oppose, but forward and approve?

A. The Junta Facultativa at that time supposed that the Junta de Fomento would take charge altogether of Castillero's enterprise (*empresa*) on its own account. Mr. Moral was then in communication with the Junta de Fomento in behalf of Castillero, who had not yet appeared in Mexico. The Junta Facultativa also supposed that the Junta de Fomento would furnish the necessary pecuniary assistance to enable the work to be commenced without delay.

Examination adjourned until 12 o'clock, M., to-morrow.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 8, 1858.

Examination resumed from yesterday.

Present: A. C. Peachy, Esq., for claimants, and Edmund Randolph, Esq., for the United States.

Q. 237. You say that the Junta Facultativa supposed that the Junta de Fomento would take charge altogether of Castillero's enterprise on its own account:

In what manner, and under what authority, could the Junta de Fomento have done so?

A. It could have done so under authority of decrees of the Government to make *avios* and contracts touching the protection and exploration of quicksilver and quicksilver mines.

As to the mode they would adopt to take charge of it, I



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mean that they would have made a contract with the owner of the mine for that purpose. Contracts of this kind were called *avios*.

They would also have kept in view the provisions of the mining code relating to such matters, and would probably have considered other matters, which I cannot now specify.

Q. 238. When Moral spoke to you about coming to California, to take charge of the mine, you understood that he meant that you were to come as the agent or servant of the Junta de Fomento, did you not?

A. No, sir; but I supposed that in the contract which would be made between Castillero and the Junta de Fomento for the avio of the mine, it would be provided that certain persons therein named should have charge of the mine.

I do not know that the Junta de Fomento knew anything about what Mr. Moral said to me on that subject.

Q. 239. The whole scheme or idea then was, that the Junta de Fomento should take charge of the mine on its own account, and furnish all the money necessary for working it, and that you, one of the professors in the College, should leave your professorship and come out to take charge of and conduct it?

A. Yes, sir; my idea of it was this: In contracts of avio, a very important point is, as to who shall have the right of naming the manager or director of the mine, and I supposed when Mr. Moral spoke to me about that matter, he wished to ascertain whether he could procure my services as director of the mine, so that if by the contract for the avio of the mine, Castillero should have the right to appoint the director, or if he and the Junta de Fomento could agree upon me as the director, I could get that appointment; if I had been appointed I would probably have been able to make an arrangement, by getting leave of temporary absence, or otherwise, by which I could have retained my place in the College.

Q. 240. How was it possible that you, Moral, or the Junta Facultativa, could have entertained such ideas at that time, and how could you have imagined that the Junta de Fomento would have consented to enter into such arrangements, and that the Government would not have opposed, but have facilitated and approved the same, seeing that Mexico was at that time virtually at war with the United States, was destitute of resources, and that it might be considered certain that California would be lost from the moment of the outbreak of hostilities?

A. In the first place, it was generally believed at that time that the war between Mexico and the United States would be of very short duration, and although the Mexican Government

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might have been short of resources, yet the Junta de Fomento had a fund which was devoted purely and exclusively to the encouragement of quicksilver mines. With regard to the loss of California, I cannot state whether the Mexicans at that time did expect to lose it or not. The views of the Junta Facultativa, recommending the Junta de Fomento to give Castillero's enterprise all the protection that could be given, were that it should avail itself of the first occasion that presented to encourage and protect quicksilver mines, which were of so much importance.

Q. 241. Did it not occur to you at that time, and do you not think that it ought to have occurred to all the rest of the parties concerned, that before investing Mexican funds in California, and sending out Mexican officials to take charge of the mine, it would be prudent to wait and see whether the next news from California would not be that it had been seized by the forces of the United States, or at any rate that it had not become the scene of active hostilities between the contending parties?

A. I stated in my former answer that it was not supposed the war would last long, and when the Junta was occupied with that business, it certainly did not suppose that California would be taken so soon, or that it would have been accomplished in two or three years, and the College not being of this opinion, recommended that Castillero's enterprise should receive effectual protection.

Q. 242. Were not the Mexican Government and intelligent citizens of Mexico generally fully impressed with the belief that the United States intended from the beginning to take California and other portions of Mexican territory, as an indemnity for injuries which they complained that Mexico had inflicted; and was not the Junta de Fomento, as well as the Government, strongly impressed at that time that California was in a peculiar manner exposed, being a frontier department, and frequently threatened by emigrants from the United States and by the new colonists of Oregon? And if so, how was it that they were so anxious to make investments of money, which was so much needed for other purposes, in such a place and at such a time?

A. It would be great presumption for me to attempt to act as the expounder of public opinion in my own country, so that whatever I might state with regard to that matter would be merely my own private opinion.

I think that, although the Government of Mexico and the eminent citizens who were acquainted with political affairs, knew that the American Government desired to acquire Mexi-

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can territory, they never believed that if the Mexican Government were unwilling to voluntarily part with California, the American Government would ever attempt to take it by force, and, for the same reason, it was believed that those invasions by the colonists of Oregon, and other citizens of the United States, would have been suppressed by the United States Government itself.

With regard to what is said about funds, as I said before, at the time these matters were under consideration, the Junta de Fomento had a fund called the Fondo de Azogues, which was devoted exclusively to the promotion of enterprises of this kind, so that when the Junta Facultativa made those recommendations, it merely recommended the application of those funds to the precise purposes to which they had always been applied.

Q. 243. How is it that you suppose there would be any presumption in speaking of the existence of a fact which, if it was true, would have been notorious to all persons of ordinary intelligence in Mexico?

How could you suppose that the United States, in a war for indemnity, would not take by force the territory which they wanted, without any regard to the willingness of Mexico to give it up?

How could you suppose that the Government of the United States would use force to prevent its citizens at such a time from occupying and peopling territory which it desired to take?

And as to the Fondo de Azogue, did not the Junta Facultativa reflect that the salvation of the Republic, in the critical circumstances in which it was placed by a foreign invasion, was the first duty of the government; that every interest was endangered by it, and that it would be in vain to endeavor to save them if the nation were not first saved; and therefore, to defend and protect the national territory on the frontiers and other points, it would be necessary to appropriate all the revenues of the country, without any regard to the manner in which they had formerly been applied, as in point of fact and for these considerations it was done by the government a few days after the session of the Junta Facultativa of which you have testified?

[Question objected to by Mr. Peachy, of counsel for claimant, on the grounds:

1st. Because it does not state correctly the character of the war; it was not a war for indemnity.

2d. Because California was not retained by the United States as indemnity, but was purchased, as the treaty declares.

3d. Because the counsel for the Government has no right to

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inquire of this witness what were the thoughts of the Junta Facultativa upon the duties of States and citizens in time of war.]

A. With regard to the first point, I answer that it is very difficult for a private individual like myself to arrogate to himself the right of expressing the public sentiment of his country.

With regard to the second point in the question, I will state that the supposition there mentioned arose in my mind, because in my opinion it does not necessarily follow that, when two nations go to war, one should take or retain the territory of the other.

As to the third point, the supposition there referred to was based upon the hypothesis that the Government of the United States itself would not attempt to take that territory by force, and therefore would prevent its citizens from doing so.

As to the last part, I answer that I have already stated, and now repeat, that when the Junta Facultativa was occupied in this matter, the war was not of the character and extent which it afterwards attained. As the government of a country is always best informed as to its situation, and as at that time the government had not interfered with the Fondo de Azogue, it was natural to suppose that the neceesities of the nation had not then reached the extreme point supposed in the questionl and as, therefore, the Fondo de Azogue was then in its usua, condition, no complaint can be made of the Junta Facultativa for having made the recommendation I have stated.

Q. 244. I will ask you now the direct question, whether or not, in April, 1846, it was not your conviction and the general opinion at the capital, that Upper California was one of the points most threatened by the war then commencing with the United States.

A. Yes, sir, I had the conviction that it was one of the points most advantageous. I supposed it would be the theatre of war, but I did not suppose that they would keep it.

Q. 245. Was it not your conviction and the general opinion at the capital that the United States would keep it if they could?

A. I did not think so, nor do I think that was the general opinion. My own opinion was that after a few battles the war would be ended by mutual agreement. I never supposed that the war would be of the character or extent it afterwards acquired, or have such consequences as it really had.

Q. 246. A war beginning, the Government being in penury, and the Junta likely to lose its very limited resources by the seizure or blockade of the ports, do you not think it utterly incredible and absurd, that any intelligent person should at

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that moment think of advising the Government or the Junta to send a considerable sum of money to be invested in a mine on a remote frontier, which was one of the points most threatened by the war and likely to be the theatre of hostilities, even if it was not immediately conquered and permanently occupied by the enemy? And how could you have been seriously thinking of leaving your professorship and going out to take charge of a mining enterprise at such a time, and under such circumstances?

A. I don't know whether or not I am required to repeat what I have stated so often. The war between the United States and Mexico it was thought would be of short duration, and although it is true that the Junta might be deprived of the revenue by a blockade or other circumstance, it had at that time some funds at its disposal, out of which it could furnish the amount necessary for their business. The amount which the Junta was to invest in that matter was not all to be paid at once, but paid by installments, and the payments of those installments could be met out of very limited resources. The Junta had spent considerable sums in seeking for quicksilver mines, but had found none; it was, therefore, not remarkable that the Junta should devote a sum of money to a mine which had already been found, and which was then in existence; so that instead of any complaint being made of the Junta in this matter, it should rather be said that it performed one of its principal duties. With regard to myself, I will state that when this matter was spoken of to me, I did not think of the war with the United States at all. If the agreement with me had been completed, and, owing to the war with the United States, the circumstances had become critical, I would of course have been at liberty either to stop or carry on the proceedings relating to that enterprise.

Q. 247. I do not wish to lead you into needless repetitions, nor do I see altogether the necessity for so long an answer as you have made to my last question. All that I wish to ask you is, whether it does not appear to you, when you carry yourself back to those times, utterly improbable, incredible and absurd, that it should have been proposed to send any funds for this mine to California, to be there exposed to all the dangers and casualties of war, and not whether the Junta was or was not in possession of available funds at the moment, nor whether it was supposed or conjectured that the war would or would not be of long duration and of serious consequences?

[Mr. Peachy, counsel for claimant, objects to that part of the question which tells the witness that his answer is too long, upon the following grounds:

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1. That the entire answer is responsive.
2. That no objection was made to the answer when it was written down.
3. That it dictates to the witness apparently the manner in which he shall answer questions.
4. That when the counsel for the Government, in the form of a question, makes an argument and requires the witness to answer it, he should be at liberty to refute it by an argument of such length as he thinks proper.

To the remainder of the question the counsel for the claimant objects, because it is purely argumentative and has been already answered, and because it uselessly consumes the time, and incumbers the record.]

A. I also regret the repetitions, but if I have fallen into them, it is because the questions have almost compelled me to, but I now with pleasure avail myself of the suggestion of the Attorney for the United States, and carry myself back to those times and circumstances, and I see only a scientific Junta occupied with the consideration of a discovery of a quicksilver mine; the importance of this discovery to Mexico induces the Junta Facultativa to recommend the Junta de Fomento to give its protection to the discoverer; it was not for the college at that time to inquire of the government what the situation of the country was, nor what the dangers of the war.

It was the duty of the Government itself to see how far this protection should go, and to change or modify it as circumstances might require.

Examination adjourned until to-morrow at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 9, 1859.

Examination resumed from yesterday.

Present: A. C. Peachy, Esq., for claimant, and Edmund Randolph, Esq., for the United States.

Q. 248. Did not the intelligent gentlemen who composed the Junta Facultativa, reflect that if the Junta de Fomento and the Government invested money at that time in the fitting up and working of this mine, that it would be very probable the whole expenditure would prove a loss, from the ordinary dangers attending a state of active hostilities, and incident to a distracted country?

A. I have already stated yesterday that the Junta never considered the matter in that aspect—that it looked upon it merely

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from a mining point of view. The Government would have considered that the Junta was going beyond the line of its duty if it had made any suggestion upon political subjects.

Q. 249. The object of my question was to ascertain how it could possibly have happened that persons so intelligent and well informed as the Junta Facultativa had not been struck with so obvious a consideration, and been prevented thereby from recommending to the Government to make so remarkable a disposition of any portion of the resources of the country. Do you wish this morning to offer any further explanations on this subject than you gave yesterday?

[Question objected to by Mr. Peachy, because the Junta Facultativa was a branch of the Institution or Corporation known as the National College of Mining, charged with certain duties, and invested with certain powers which are defined by law, and as such the said Junta could have no thought or feelings in this business. If the object of the question is to inquire into the sentiments of the individual members of the Junta, the question is objected to on the ground of irrelevancy, inasmuch as the private sentiments of the said individuals in regard to the political condition of Mexico, and its relation to foreign countries, could have no influence in determining their action in a corporate capacity.]

A. I would be glad to make any explanation that the Attorney for the United States might require upon the subject, but I don't think I can add anything to what I have already stated, except to say that the want of reflection which he imputes to the Junta Facultativa was owing probably to the comparative want of foresight upon political questions, of men engaged in scientific duties or pursuits.

Q. 250. When the Junta Facultativa were recommending these expenditures to be made in this mine, in what manner did they suppose that they were to be repaid; was it not by quicksilver to be produced by the mine itself?

A. That was certainly the idea.

Q. 251. Did not the Junta Facultativa reflect that, in the first instance, the money and the apparatus which would have to be sent to California by sea, would in all probability be captured by American cruisers, and that if these things escaped, and the mine was put into successful operation, that the quicksilver which would be coming by sea to pay for them would in all probability be captured by American cruisers?

Have you any other reasons than those you have given to explain why reflections of this nature did not prevent the Junta Facultativa from making the recommendations which you have attributed to them?

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[Question objected to by Mr. Peachy, on the same grounds as the preceding question.]

A. The question I believe rests upon several suppositions. It looks upon matters not as they really existed in Mexico at that time, but considers them in the condition at which they subsequently arrived. Another hypothesis in the question is, that if the protection to be given to Castillero by the Junta de Fomento had been carried into effect, it (the Junta de Fomento), would have run all the risks mentioned. I do not think it would. I think that if the business between it and Castillero had been completed, it would have taken the necessary steps to have avoided those risks. It will be evident to the Attorney for the United States upon reflection that all these charges must vanish when it is considered that the agreement between the Junta de Fomento and Castillero was never carried into effect, because the Junta de Fomento did not spend one cent in the protection of the mine.

Q. 252. What is your idea of the means which the Junta de Fomento might have adopted in order to avoid the risks which I have suggested?

A. I cannot state immediately and without reflection what those means might have been. They no doubt would have considered the matter, and of course would have availed themselves of the best means.

Q. 253. You have said that my examination as to the improbability, incredibility and absurdity of the Junta de Facultativa making such recommendations at that time rests upon the assumption of a state of things which did not then exist, but only at a later day; do you not know that at the capital of Mexico, it was well understood at that time by the Government and the people that war existed with the United States, that the American troops were held to have invaded the Mexican Territory, that Mexican troops had been dispatched to meet them, and expel them from the same, and that the news of actual collision was expected to arrive at any moment?

A. That is very true, but it was also believed that the war would be of very short duration, and that after a very few encounters it would be terminated by a treaty of peace; it was not believed that the war would assume such a character as it subsequently did.

Q. 254. You have frequently made the same remark about its being supposed that the war would be soon over; can you tell me on what ground you make that assertion, and whether, on the contrary, you do not know that the Government of Paredes, then in power, was committed to a continued prosecution of the war, and against any accommodation, unless the Amer-

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icans should be first expelled from Mexican Territory, and even from the State of Texas?

A. The reason why I said it was believed the war would soon be over was, that it was generally believed that the United States was the nation most friendly to Mexico, and it was not believed the quarrel would have become so sanguinary and prolonged; this was what I heard said or remarked. With regard to the policy of the Government of Paredes, I do not consider myself competent to speak.

Q. 255. I find here among the exhibits offered in this case in behalf of the claimant, the following decree, to wit:

"Exhibit Bassoco No. 2. Ministry of Hacienda. Section 1.

"The most excellent Señor President *ad interim*, has been pleased to address me the decree which follows:

'Mariano Paredes y Arrillega, General of Division and President *ad interim* of the Mexican Republic. To the inhabitants of the same: Know ye, that considering that the salvation of the public in the critical circumstances in which the foreign invasion has placed it, is the first duty of the Government; that all interests are compromised, and that it would be in vain to pretend to save them, if first of all the nation was not saved; that to defend and assure the national territory as well on the frontier, which has been invaded, as on other points which are threatened, it is indispensably necessary to provide for the expenses which are incurred for the troops that the Government has put in motion, and for the others which are being raised and organized, and must march with promptness to the points to which the Government proposes to send them:

'In view of the fact that by the ruinous system of contracts the necessary resources are not obtained, and if the revenues of the nation are pledged for a long time, as they now are, by all its products being incumbered, and the government being unable to rely upon the smallest sum of which it might dispose,—having hitherto endeavored, by all the means within its reach, even by that of contracts, to meet the most urgent expenses, having endeavored to reduce them as much as possible during the time the present administration has been established,—considering that even that fatal system has become impracticable, and is more ruinous each time, more onerous conditions being exacted as the security to be offered becomes less:

'Desiring also to establish the national credit, which is completely destroyed, upon secure and uniform basis, liquidating the floating debt against the public treasury, and making such payment compatible with the imperative necessities of the nation:

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'Having discussed materially this grave subject, at a meeting of Ministers, I have determined as follows:

'1st. The payment of all debts borne by the revenues of the General Government, and all other payments which are now being made in pursuance of decrees or orders heretofore made, are provisionally suspended.

'2d. All the offices of the general revenues of the Republic, immediately upon the receipt of this decree, shall immediately transmit to the Ministry of Hacienda a detailed statement of all payments which they may have been ordered to make, and which they may have already paid, and the balances already due.

'3d. In view of the data which may be remitted by said offices in virtue of the foregoing article, the Government shall determine the mode and order of payment which may be most convenient, reconciling the rights of the parties interested with the progress of the public administration. Wherefore, I order that it be printed, published, circulated, and that it be duly complied with.

'Palace of the National Government, on the 2d of May, 1846.'"

Please read it over, and see whether your salary as professor would be affected by it.

[Counsel for the claimant objects to the incorporation of the decree in this question, because, being already in the record, all proper purposes could be answered by reference to it; and its insertion in this question creates a useless expense, and incumbers the record unnecessarily. The counsel for the claimant does not admit the correctness of the translation of the foregoing decree, having had no opportunity of comparing it with the original.

Counsel for the United States submits the translation, subject to any corrections made by the translator on its revision.]

A. It was not.

Q. 256. In answer to the fiftieth question, on your direct examination, you stated that you heard at the time that the Junta agreed with Castillero on the terms of a contract by which they were to furnish him with an outfit for this mine, as I understand you. How was it possible that you could have heard any such thing said, or, in other words, that there could have been any such contract, after the publication of that decree to which I have called your attention?

A. The explanation of that is this: The Junta de Fomento did not suppose that this decree affected the fund which it had charge of, and there were discussions subsequently between it

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and the Government as to whether it did affect that fund or not.

Q. 257. How do you know what the Junta de Fomento thought upon the subject?

A. Because we of the College at first supposed, when these discussions began, that the expenses of the College would be decreased, and we looked to the result of those discussions.

Q. 258. You said that the terms were agreed, and a notary employed to make a draft of the contract for execution: does it not appear to you entirely incredible that the Junta de Fomento should have gone so far as that after the publication of the decree, and when they were waiting for the answer of the Government to let them know whether it applied or not to the Fondo de Azogues, out of which their contract was to have been fulfilled?

A. There was nothing strange in the Junta doing that, because, up to that time, the Junta de Fomento was not aware that this decree applied to the fund it had charge of. Those discussions occurred after this, and I do not know what the cause of the discussion was.

Q. 259. How do you know that the discussions occurred after the agreement upon the terms of the proposed contract, to wit: after the 12th of May, 1846, when, at the request of the Junta de Fomento, Castillero is said to have made his propositions?

A. I do not know it officially, but I knew it because I investigated the matter, because at the time I made inquiries to ascertain why the escritura had not been signed.

Q. 260. Did not the doubt as to whether the decree applied to the Fondo de Azogues occur to the Junta immediately after the publication of the decree, on the 2d May, 1846, and if you say it did not, explain how you know that it did not, and what caused that doubt to arise afterwards?

A. I did not know when the doubt occurred to them, nor what the origin of the discussions was.

Q. 261. Then how can you say that the agreement for the proposed contract was made before that doubt arose, and when the Junta was not thinking of having that fund appropriated to the uses of the Government?

[Question objected to by Mr. Peachy, upon the ground that it misstates the witness' answer. The witness said—"up to that time," (meaning the time of agreement,) "the Junta de Fomento was not aware that this decree applied to the fund it had charge of. These discussions," (meaning the discussions between the Junta de Fomento and the Government, as to the effect of that decree,) "occurred after this, and I do not know what the cause of the discussions was."]

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A. I have stated that I ascertained that the agreement with Castillero was not carried out, because of the result which those discussions had; but as to the day when that doubt arose, or how it arose, I am of course unable to state.

Q. 262. Have you any idea that the doubt was caused by anything but the terms of the decree; have you any ground to suppose that the doubt did not arise as soon as the decree was known to the Junta de Fomento; and if you have not any such idea or any such ground of supposition, explain to me if you can how it was possible, after such a decree, giving rise to such doubts, the Junta de Fomento could have entered into that arrangement with Andres Castillero?

[Question objected to by Mr. Peachy, because it requires the witness to state what were the grounds of the doubt the Junta de Fomento had respecting this decree, and because it further requires the witness to give his opinion with regard to the action of the Junta de Fomento.]

A. I have no idea what caused the doubt, whether it was the terms of the decree, or something independent of the decree; the only reason I have for supposing that the doubt did not occur to the Junta as soon as it became aware of the existence of the decree is, that I believe that if the Junta had such a doubt, prudential considerations would have induced it to refrain from entering in the agreement with Castillero; if the Junta had such doubts, I cannot explain why it entered into the agreement with Castillero.

Q. 263. Have you not seen the paper in this cause by which it appears the Government, on the 20th of May, 1846, approved of the arrangement which the Junta de Fomento had entered into with Andres Castillero?

A. Yes; I have seen the communication from Becerra.

Q. 264. How do you suppose it possible that the Government, on the 20th of May, 1846, could have approved of the application of funds to the purposes of Castillero's mine, when on the 2d day of the same month of May, the same Government had appropriated those funds to the urgent necessities of the army, as appears by the decree to which I have called your attention?

A. In my opinion, the explanation of what may be called this contradiction is this: one of those matters, viz: the agreement with the Junta, was attended to by the Ministry of Justice, and the other, relating to the funds, by the Ministry of Hacienda.

When the Ministry of Justice received the proposition from the Junta, it supposed that the Junta was in a condition to carry them into effect, and on the other hand the Minister of Hacienda being pressed for means made this decree, and it may

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be considered certain that he never considered the effect it would have upon that business, which was pending in another ministry, and of which, perhaps, he knew nothing.

Q. 265. But of course you know that the decree of the 2d May, and the approval of the 20th May, both came from the President, General Paredes, and were his acts, and not those of the Ministers through whom they were published; what I ask you is, to explain, if you can, how it could be possible that President Paredes on the 2d May appropriated this fund to the army, and on the 20th appropriated it to Andres Castillero, and a few days after the reply to the doubts of the Junta de Fomento, recalled the last appropriation and let the first stand; I wish you, if you can, to show us here in California how we can believe such a story as that?

A. It is very true that the first decree is dated 2d May, 1846, but that decree is a general one, and intended to have a general operation, and it is almost certain that the President had not at that time any conception of what its effect would be on the Fondo de Azogues.

The approval was a private or particular matter, and when the President made it, I do not think he could have had any idea that it would be inconsistent with the decree of the 2d May, or that he thought of the relation between them at all; it was only when it was represented to him that the approval was inconsistent with the decree of the 2d May that he saw the contradiction and ordered that the Junta should not disburse the amount. In confirmation of this statement, if the United States Attorney will look over the decree of the 2d May, he will see there is nothing in it about the Fondo de Azogues.

Q. 266. At that date I understand that the Fondo de Azogues was payable out of the revenue from the Custom-houses; would it not therefore be comprehended in the first clause, which suspends payments of all descriptions chargeable upon the revenues of the Government?

A. It is true that the Fondo was collected in that way at that time, but I do not think it possible that the President or the Minister could have given the decree the interpretation claimed for it by the question.

Q. 267. Was there more than one assay made in the College of Mining of specimens from this mine, within your knowledge, and if there had been, would you not have been likely to know it?

A. There is always more than one assay made of all specimens. There are always two assays.

Q. 268. In this case then, I understand you to mean that

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there were two assays made about the same time, and both of specimens which Don Tomas Ramon del Moral had brought to your room in a box as you have before said?

A. Yes.

Q. 269. And these assays were made of these specimens and the results ascertained before Andres Castillero had arrived in Mexico, were they not?

A. Yes, sir.

Q. 270. I wish you to be very sure of this. Have you no doubt at all of what you say?

A. I have no doubt of it.

Q. 271. The reason why I am so particular is, that according to my reading of the paper on file in this case, purporting to be the propositions which Andres Castillero submitted to the Junta, he says that he brought the specimens which were assayed in the College of Mining, by the order of the Junta Facultativa.

Look at that document and state if you still persist in that answer, and say that Andres Castillero did not bring those specimens which were assayed in the College of Mining, by order of the Junta Facultativa, which gave that result of 35½ per cent., etc.?

A. I do undoubtedly persist in what I have said in regard to the receipt of the specimens at the College, and in the mode of their assay. Castillero was not in Mexico when we received the box of specimens at the College, nor when we made the assay which I have mentioned.

Q. 272. And also, that the assays which you have just mentioned were the only assays of specimens from this mine, which were made by order of the Junta Facultativa, or which were reported officially by them to the Junta de Fomento?

A. The assay mentioned in the communication from the Junta Facultativa to the Directors of the College was the only one that was made.

Q. 273. After Andres Castillero arrived in Mexico, was there ever any assay made of specimens from this mine in the College of Mining?

A. I don't remember; I am certain that none was made by order of the Junta Facultativa, and I do not remember any assay for Castillero himself.

Q. 274. Did you not say that Velasquez de Leon is now the Director of the College of Mining?

A. He was when I left Mexico.

Q. 275. Who was then the Secretary of the Junta Facultativa?

A. Don Augustin Barroso.

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Q. 275. Have you any information when the traced copy of the actas of the Junta Facultativa, dated 24th March (April), was made—I mean "Exhibit Bassoco No. 11;" was it not a short time before you left Mexico?

A. I do not know, but from what I have heard it was a long time ago, or about a year ago.

Q. 277. You say that you have been informed that the reason why this traced copy has not the signature of the Secretary to it is, that the Secretary had not signed the original when the copy was made, that is, something like a year ago. Was the signature there when you compared the traced copy shortly before leaving Mexico?

A. Yes, when I made the comparison the signature of the Secretary was on the original, and I therefore so stated before.

Q. 278. You also say that the present Director, Velasquez de Leon, within a year past caused the original to be signed by Antonio Castillo, who was the Secretary in 1846?

A. I don't know when he ordered the Secretary to sign it. I only know he did so order. Undoubtedly it was signed after the traced copy was made.

Q. 279. Can you suggest to me any guaranty under such circumstances that the paper signed within a year past was the same which had been drawn up in 1846, seeing that Castillo, the Secretary, could not be expected to remember a particular paper for thirteen years, and that Velasquez de Leon had had nothing to do with the transaction so far as appears from the paper?

A. These papers, as well as others connected with the college, have been in my possession since they were first placed there until I ceased to be Director, when I delivered them to the present Director, Velasquez de Leon.

Examination adjourned until Monday, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., July 11, 1859.

Examination resumed from Saturday, the 9th inst..

Present: A. C. Peachy, Esq., for claimant; and Edmund Randolph Esq., for the United States.

Q. 280. What do you mean by saying the paper, viz.; the *actas* of the 24th March, (April), had been in your possession since they were first made, until you ceased to be Director, and delivered them over to Velasquez de Leon, your successor?

A. I mean that when Mr. Tornel was banished, that paper

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and all the others which formed the *actas* in the college were handed over to me, to be by me delivered to his successor, the next Director, and as the next Director, Mr. Tornel's successor, did not live in the college, those papers remained in my possession.

The *actas* of all the succeeding years, also came into my possession.

Q. 281. Which banishment of Tornel, and what successor do you refer to?

A. I speak of his banishment during the administration which I have before referred to, and the successor I refer to was Mr. Moral.

Q. 282. But did not Tornel soon return and hold this dictatorship again, up to the time of his death?

A. No, sir; he returned to Mexico about February or March, 1847, and left again in consequence of the occupation of the capital by the Americans. During his banishment I was director for a short time, and Mr. Velasquez de Leon was also director for a short time, as I have before explained.

Mr. Tornel returned to Mexico after the American invasion, became a director again, and remained so till his death.

Q. 283. Did neither Moral nor Velasquez de Leon reside in the college when they were directors, and did not Tornel when he came back, reside in the college as before?

A. While they were directors during that time, they did not live in the college. Tornel always lived in the college when he was director.

Q. 284. Why then did you not give the papers back to Tornel when he returned, seeing that you only took them because his immediate successor did not reside in the college?

A. The reason was that General Tornel, seeing the vicissitudes to which he was liable, and his many occupations in the Ministry, saw the necessity of leaving those papers in my possession; and, in addition to that, he subsequently gave me a great many papers connected with the Direccion, as I before stated.

Q. 285. What had the Director to do with the keeping of the actas of the Junta Facultativa?

A. All the actas and other papers of the Junta Facultativa were always kept together with the papers belonging to the Direccion.

Q. 286. But does not the decree of 1843, reorganizing the College, and to which you have referred in a former part of this deposition, provide that the actas of the Junta Facultativa shall be kept by an escribiente in their employment?

A. Yes, and that very escribiente was the escribiente of the



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Direccion; and the vicissitudes to which the Director was liable also affected the escribiente; and it was to guard against them and prevent the loss of any papers that I kept them in my possession.

Q. 287. How could the banishment and political vicissitudes of General Tornel affect the escribiente, or mere clerk, who had charge of these papers? How any more than it should affect you, who held the more conspicuous place of a professor in the College?

A. Not only did the vicissitudes and banishments of General Tornel affect this escribiente, but even while Mr. Tornel was Director, the escribiente would frequently be changed, he holding the place at the will of the Director; and, as the occupations of General Tornel in the Ministry and in the discharge of other public duties entirely distracted his attention from the affairs of the College, and as I was the person most conversant with them, and permanently there, and frequently had occasion to look into those papers to furnish information required of me and the like, it was deemed necessary to place those actas and papers in my possession—not that I was escribiente, or had anything to do with his duties.

Q. 288. By law, as you admit, the escribiente was charged with the custody of these papers; but, as you say, for the reasons you have mentioned, you had the custody of them. Is not this having a great deal to do with the duties of escribiente, and is it not a complete change of the law for all that concerns us in this case?

A. It is true the escribiente was charged with the arrangement, the keeping in order of the archives, but as he had no habitation in the College, nor any place there in which to deposit them, I certainly did not think that I was performing any of his duties, when I, who was there permanently, and frequently had occasion to recur to those papers, took the custody of them to prevent any from being lost or mislaid, it having been observed, moreover, that some communications were sometimes missing or mislaid.

Q. 289. Was not the escribiente referred to the legal custodian of the actas of the Junta Facultativa, and was he not provided with a place, and with cases, boxes, shelves or trunks, or something else, for the purpose of keeping them safely?

A. I think that of right all those papers should have been kept in the Direccion. I think the escribiente was only required to engross and keep those papers in order. He had no box or anything else in which to deposit them. They really should have been kept in the office of the Direccion, but for the reasons I have mentioned, I had the custody of them.

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Q. 290. Then General Tornel, from whom you received these papers on his banishment in 1846, must have had them in his keeping with the papers of the Direccion?

A. He had them in his possession.

Q. 291. Had the Director of the College anything in the world to do with the keeping of the archives of the College? Was there not an Archivero for that Institution?

A. It was not necessary to have a person specially employed to take care of the papers; there were not many of them. I don't remember whether the Reglamento provides for the appointment of an Archivero. I know there never was one.

Q. 292. By what authority did the Director take charge of the actas of the Junta Facultativa and other papers of the College? Was there any law making it his duty more than the duty of any other person connected with the Institution, and was there any law by which that duty was transferred to you upon the banishment of Tornel?

A. There was no law which said the Director should have charge of these papers, but as the escribiente of the Junta was the escribiente of the Direccion, the papers were usually handed to him to be copied and arranged, and moreover the Director was *ex officio* President of the Junta; and I see no objection to the president of a body having charge of its archives. There was no law authorizing him to transfer them to me; it was done for the convenience and benefit of the College.

Q. 293. There being no law which made it the duty of the Director to keep these actas of the Junta Facultativa, and no law which required them to be delivered over to you, I suppose there was no law prescribing the manner in which you should keep them, or imposing any penalties to insure their safe keeping?

A. No, there was not.

Q. 294. Will you please explain very particularly, now, in what manner you did keep these actas, and how it is that you are able to identify any particular one of the papers of which they may be composed?

A. I kept them in a recess (alacena) in the wall, which had a door and lock and key, in my room in the College; it was fitted up with shelves like a book-case, and I always kept the key; I might identify one of them by the subject to which it might refer and the signatures to it.

Q. 295. Would you venture to swear that during the time these papers were in your charge, and more particularly since they have passed out of your charge, no paper falsely purporting to have been made in 1846, could have been inserted among these papers in the recess, and that no paper actually

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made in 1846 could have been taken out, altered and returned, without the possibility of your detecting the fraud at this day?

A. I am willing to swear that nothing of this kind occurred while the papers in the recess were in my custody; with regard to the particular papers which are here, I can swear there has been no such fraud.

Q. 296. Do you not understand that all of your answers in this examination are given upon your oath?

A. Of course I do; but when I am asked in terms, whether "I will swear," my reply is that I will swear to what I know; I know that I am under oath, of course, since I commenced my deposition.

Q. 297. You received, you say, a certain bulk of papers from General Tornel; what I ask you is, whether you have now such a clear recollection of each and all of those papers, that you could detect a forged paper, which had been inserted amongst them, or detect an alteration of one of the genuine papers, if any such alteration had been made?

A. Speaking of them generally, I think I would detect a forged paper if any had been inserted, and that I would have detected an alteration if any had been made.

Q. 298. As there was no archivero in the College of Mining, and as Tornel, as Director, kept all the papers of the Institution, and afterwards delivered them over to you, do you not think that your last answer would be an incredible feat of memory?

A. I based my last answer upon the fact that I have attended all the sessions of the Junta Facultativa since 1845, and consequently am acquainted with all the subjects which were discussed thereat, and there was hardly one of the matters which belonged exclusively to the Direccion, with regard to which I was not consulted by the Director before he took final action upon it.

Q. 299. You say that the recess in which the papers were kept was in your room in the College; do you mean in your private room?

A. It was one of my apartments in the College which I used as an office and reception room; it was the room in which I did all my business as Professor, and all other business, except that of teaching my class.

Q. 300. You say you had certain rooms for your habitation or private residence in the College; were there any other rooms in the College used for other purposes, such as lecture-rooms, recitation-rooms, halls, etc.?

A. Yes, sir. There was a hall for public examinations, and in which were held nearly all the meetings of the College.

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Besides, each department or professorship had its apartments or rooms.

Q. 301. Did you keep anything else in the recess in that room of your private habitation in the College besides the papers of which you have spoken?

A. Books only—scientific works.

Q. 302. You mean that it was your library, as well as a place for keeping these papers.

A. No, sir. I only kept a few books there, which I desired to have more handy.

Q. 303. You have mentioned that you were a member of the Constitutional Congress, in the year 1856–'57—do you not belong to the Conservative, or Church party, of which Miramon is now said to be the chief?

[Question objected to by Mr. Peachy, as irrelevant, and as being an unwarrantable interference with the private opinions of a gentleman.

Counsel for the United States thinks it proper to put this question to the witness, deeming it not irrelevant to know whether the witness belongs to a party of avowed hostility against the United States, or to a party of friendly sentiments towards the United States.]

A. My answer to this question is merely that I am a Republican, and a Liberal.

Q. 304. Do you, or do you not, belong to the party to which I have referred?

[Mr. Peachy here requests the interpreter to state to the witness that if he has any personal objection to answering this question, he need not do so until the Judge has decided whether the question is a proper one.]

A. I have some reasons for wishing not to answer the question until the Judge shall have decided whether I shall do so. The reasons why I decline to answer this question are, that by answering it I would compromise my interests, and even my person.

[The matter having been referred to the Judge, and the foregoing reasons having been assigned by the witness, the Judge excused him from answering the question.]

Examination concluded.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Aug. 11, 1859.

Witness desires to correct the first part of his answer to the 50th question, which, as originally taken down by the Commissioner reads as follows: "I know from conversations which I had with the director, Mr. Tornel," by making it read—I know from conversations which I had with Mr. Moral; the witness stating that the answer as corrected is what he testified.

BLAS BALCARCEL.

Sworn to and subscribed this 11th day of August, A. D. 1859, before me.

W. H. CHEVERS,
U. S. Commissioner.

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NOTE BY THE COMMISSIONER.—The witness signs his deposition at this date, because the interpreter has hitherto been engaged interpreting for other witnesses in this cause, and had not time to read over this deposition with the witness.

W. H. CHEVERS,
U. S. Commissioner.

Filed August 11, 1859.
W. H. CHEVERS, Clerk.

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# DEPOSITION OF ANTONIO DEL CASTILLO.

—

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 15, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Antonio del Castillo, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being intrepreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, Esq., of counsel for the claimant; and Mr. Randolph, for the United States.

Questions by Mr. Peachy, of counsel for claimant,

QUESTION 1st. Your name, age, and place of residence?

ANSWER. Antonio del Castillo; I am thirty-seven years of age; my residence is in the city of Mexico.

Q. 2. In what part of Mexico were you born?

A. I was born at a town south of Morelia, the capital of the State of Michoacan, a town named Cutzamala.

Q. 3. Where were you educated?

A. I received my early education at the French schools in the city of Mexico, during the years 1833–'34–'35, after which I entered the National College of Mining at the beginning of 1836, and remained there until 1840. I entered that College to be educated to the profession of Mining Engineer.

Q. 4. What diplomas did you take, and what public employments have you held under the Mexican Government?

A. In 1840 I received the diploma of Assayer, and then I went to the Mining district of Fresnillo, as an employé, and also for the purpose of learning the practical part of my profession. I remained there two years. I returned to the city of Mexico in 1843, and in 1844 I was appointed general substitute Professor, and Professor of Mechanics applied to Mining, and

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I also received in that year my diploma as Mining Engineer and Surveyor.

In 1846, I was appointed special substitute Professor of the Mineralogy class, the professorship of which was held by Andres del Rio. I discharged the duties of substitute Professor of that class until the death of Mr. del Rio in 1849, when I obtained the professorship of that class as the successful competitor for it.

In 1850, I was elected a deputy to the general Congress from the State of Mexico, which office I held two years.

In 1853, I was appointed Professor to establish a practical school of mining at Fresnillo, which we established in 1854.

I left there in 1855, with the pupils, to visit the various mining districts, and to give the College a description of them.

In 1856, I returned to Mexico and entered the College to take charge of the class of Mineralogy and Geology.

In 1857, I was appointed to make an exploration of Lower California, and ascertain its mineral wealth; and in 1855 I returned and resumed the charge of the class of Mineralogy and Geology, in the College, and have remained there ever since.

Q. 5. At what time in the year 1846, did you begin to deliver lectures to the class of Mineralogy?

A. I commenced the course about the middle of January, and ended about the middle of November. The annual course began in January, and ended in November of each year. My first course of Lectures began in January, 1846.

Q. 6. Who were the *suplentes* of the *Junta Facultativa*, in the year 1845, and who the members of it, in 1846?

[Objected to by counsel for the United States, on the ground that the question is leading.]

A. My opinion is, that I was one of the *suplentes* in 1845, but I am not sure of it. I don't remember the name of the other one. In 1846, the *Junta Facultativa* was composed of Mr. Tornel, who was President (he was Director of the College), and Messrs. Moral, Balcarcel, Navarro, and myself, I being the Secretary.

Q. 7. In what room in the College of Mining, are you in the habit of delivering lectures to your class of Mineralogy?

A. Each of the principal classes has a particular locality, and I of course deliver my lectures to that class in the apartments used and occupied by it—the room in which is the Cabinet of Mineralogy.

Q. 8. How long have you been in the habit of lecturing to that class, in that room?

A. Since the year that I took charge of the class, *i. e.* in 1846.

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Q. 9. How often do you lecture to that class?

A. Every work day, from half-past eight to half-past ten, A. M.

Q. 10. Who has charge of the minerals in the cabinet?

A. I have, as Professor of Mineralogy, and have had since 1846, when I took charge of the class.

Q. 11. In that cabinet are there any specimens of minerals from California?

A. There are. The first which were taken there are some specimens of cinnabar, rock crystal, stone coal and lead, sent by Castillera.

There are some brought by Mr. Salazar, of the Boundary Commission, of garnet and hornblende.

Q. 12. By whom were those specimens of cinnabar, rock crystal, coal and lead, deposited in the cabinet?

A. I placed them there.

Q. 13. From whom did you obtain them?

A. Mr. Tomas Ramon del Moral presented them to the class.

Q. 14. At the time these specimens were placed in the cabinet of minerals, were any labels put on them?

[Objected to by counsel for the United States, on the ground that it is leading.]

A. I put labels on them. I wrote the inscriptions upon the labels myself, and afterwards, when the cabinet was re-arranged some of those inscriptions were taken off, and new ones put on by one of my pupils.

Q. 15. In whose handwriting is the label on the specimens of cinnabar?

A. There are two cases (*aparadores*) in which the specimens of cinnabar from California are kept. The inscriptions on the specimens in one case, *aparador*, are written by one of my pupils; the inscriptions on the specimens in the other case are in my own handwriting.

Q. 16. When were those inscriptions written by you?

A. I don't remember the exact date, but it was about the month of April, 1846, the year in which I first took charge of the class.

Q. 17. Have you a copy of those inscriptions thus made by you?

A. I have.

Q. 18. When did you make that copy?

A. At the time I was leaving Mexico to come here, about the 20th of April last.

Q. 19. Please produce that copy.

[Copy produced by witness in a small memorandum-book. Copy reads as follows, viz.:

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"Cinabrio. Mision de Sta. Clara en Californias. Criadero virgen.

"Ley comun, 35.5°₀.

"(5 pedazos.) Ejemplar No. 5."

A translation of which is as follows:

"Cinnabar. Mission of Santa Clara in Californias. Virgin deposit (*criadero*).

"Average yield, 35.5°₀.

"(5 pieces.) Specimen No. 5."

Objected to by counsel for the U. S., on the ground of irrelevancy.]

Q. 20. Is there any other label on those specimens; if yea, state in whose handwriting it is, when it was written, and whether you brought a copy of it with you?

A. There is another in the handwriting of one of my pupils, named Juan Orosco. I don't remember well when he wrote it, but I think it was in 1850. I have a copy of it here.

Q. 21. Please produce it.

[Copy produced by witness from the same memorandum-book. The copy reads as follows, viz.:

"Cinabrio de California. Mision de Santa Clara, 5 leguas al sur. Criadero virgen, descubierto en 1845 por el Sor. D. Andres Castillero, quien remitio las muestras al Sor. D. Ramon del Moral, Director del Colegio en esa fecha, por conducto del E. S. G'ral D. José Joaquin de Herrera.

"Ley comun de los minerales, 35.5°₀.

"(Un ejemplar, No. 5.)"

A translation of which is as follows:

"Cinnabar from California. Mission of Santa Clara, 5 leagues south thereof. Virgin deposit (*criadero*), discovered in 1845 by Don Andres Castillero, who transmitted the specimens to Señor Ramon del Moral, Director of the College at that time, through His Excellency General Don José Joaquin Herrera.

"Average yield of the minerals, 35.5°₀.

"(One specimen, No. 5.)"

Objected to by counsel for the U. S., on the same ground as the preceding.]

Q. 22. How came this inscription to have been written about the year 1850, by one of your pupils?

A. Because I renewed all the inscriptions in the general collection in that year; and as that pupil wrote a good hand, I got him to write them.

Q. 23. How did you make the copies which you have produced?

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A. I took the originals, and copied them with my own hand.

Q. 24. Are the copies which you have produced accurate and faithful copies of their respective originals?

A. They are.

Q. 25. After these specimens were placed by you in the Cabinet of Minerals, did you ever see them there, and how often?

A. I have seen them frequently. They are always there, and whenever I look over the collection I see them.

Q. 26. Are you acquainted with said Andres Castillero; if yea, when did you first see him?

A. I know him. I first saw him in that same year—1846—after having received the specimens.

Q. 27. About how long after?

A. I don't remember well, but it was about twenty days or a month.

Q. 28. Have you any recollection of any steps having been taken, by the Junta de Fomento y Administrativa de Mineria, for the development of this mine of Castillero; I mean, have you a personal recollection of any fact connected with that business, independent of documents you may have recently seen which treat of it?

A. I remember that while the business between Castillero and the Junta was pending, the decree of the Minister suspending payments was made.

We (the professors in the college) had been informed by Mr. Moral before that, that the Junta de Fomento was going to make a contract with Castillero, for the working (avio) of the mine.

I also remember, that the Junta Facultativa of the College met for the purpose of preparing a resolution to be sent to the Junta de Fomento, in reply to a communication from that body, upon the subject of the mine.

We (the professors) learned from Mr. Moral that, in consequence of the decree suspending payments, which I have before mentioned, the agreement between Castillero and the Junta de Fomenta could not be carried out.

Q. 29. Examine the documents now shown you, marked respectively, "Exhibit Bassoco No. 10, O. H." and "Exhibit Bassoco No. 11, O. H.," and say whether you have compared them with their originals; where the said originals exist; when, where, and in what manner were the comparisons made, and are they accurate copies of their respective originals?

A. I have compared them with the originals. The originals are in the office of the Junta Facultativa of the College, which office is in charge of the Director of the College.

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I compared them thus: Mr. Pardo read the originals aloud, while I read these copies, and then we changed, and Mr. Pardo read the copies aloud while I read the originals. We afterwards laid the traced copies over the originals to see if they were accurate. We made the comparisons on the 23d of April last, in the College. These are accurate copies of their originals, in all respects, except that the document, a copy of which appears on page 1 of "Exhibit Bassoco No. 11, O. H." has my signature to it, and this signature does not appear upon the the copy.

Q. 30. When did you sign the said original, and why?

A. I signed it a few days before my departure for this place, because the Director of the College required me to sign all the actas which had not been signed by me while I was secretary. The present secretary had set apart all those which required my signature, and I signed them all.

Q. 31. What was your habit while Secretary of the Junta Facultativa, in regard to signing the actas of that body?

A. I wrote the borrador of each session, and handed it afterwards to the Escribiente of the Junta and of the Director to have it copied, and whenever he brought it to me and requested me to sign, I signed it. He generally brought me several copies of borradores to sign at once.

Q. 22. Why was not this signed at the proper time?

A. Because the Escribiente did not bring it to me to sign.

Some of the actas of that year (1846) were signed by the Director only, and others by the Secretary only. This resulted from the banishment of the Director Tornel.

Q. 33. In the copy found on page No. 1 "Exhibit Bassoco No. 11, O. H.," occur the words "*el q. subscribe;*" who is indicated by them?

A. I am the person indicated by them, as the tenor of the document clearly shows. I was the secretary, and the document itself mentions all the other persons who composed the Junta, and refers to the Secretary as "*el q subscribe.*" It could not refer to the signature of Mr. Moral, because his name is mentioned in the beginning of the document.

Q. 34. Did you examine the signatures and handwritings in the original documents of which these are copies? Do you know any of them; if yea, say how you know them, and whether they are genuine on said originals?

A. I did examine the signatures and handwritings referred to in this question. I know the handwriting and signature of Tornel, by whom was written and signed the original of the marginal note on page 1 of "Exhibit Bassoco No. 10, O. H."

I know the handwriting and signature of Ysidro R. Gon-

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dra, and Vicente Segura, whose signatures appear on the original, which is copied on the reverse of page No. 2 of the same Exhibit.

The signature of the same Gondra to the original document, a copy of which is found on pages 3 and 4 (of the reverse) of same Exhibit, I know.

I also know the said Gondra's signature to the original document which is copied on pages 5 and 6 (on the reverse) of same Exhibit.

I also know the signature to the original document, a copy of which appears on page 1 of "Exhibit Bassoco No. 11, O. H." It is the signature of Don Tomas Ramon del Moral.

I also know the signature to the original document, a copy of which appears on page 2 of "Exhibit Bassoco No. 11, O. H." It is the signature of the said Tornel.

I know all these signatures because I have seen Tornel, Segura, del Moral and Gondra sign their names, and their aforesaid signatures are genuine.

Examination adjourned until to-morrow at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 16, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for the claimant, and Mr. Randolph, for the United States.

Q. 35. I see on page 1, "Exhibit Bassoco No. 11, O. H." what purports to be a copy of the acta of the Junta Facultativa, at its session of the 24th of March, 1846; is that date right; if you suppose not, state your reasons?

A. There is a mistake in the name of the month; instead of being March it should be April. The true date is the 24th of April, 1846. This mistake will be clearly seen by reference to the date of the Acuerdo of the Directer Tornel, dated 23d of April, 1846, referring to the Junta Facultativa the matters considered by it at its meeting of the 24th of April, the acta of which meeting is erroneously dated the 24th of March, as already stated. Another fact which shows that the date of that acta is erroneous, is the date of the reply of the President of the Junta Facultativa to the Director of the College, communicating what had been done by the Junta touching the matters referred to it as aforesaid.

Q. 36. Examine the document now shown you, state whether you have compared it with its original, where the said original

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exists, when, where, and in what manner, was the comparison made, and whether it is an accurate copy of the original?

[Document shown to witness is "Exhibit Bassoco, No. 7, O. H."]

A. I have compared it with its original, which is to be found in the office of the *Administracion de Mineria.* I made the comparison in the same manner in which I compared the exhibits shown me yesterday with their originals. I made the comparison on the 20th of April, 1859, in the office in which the originals are kept. It is an acurate copy of the original.

Q. 37. Did you examine the handwritings and signatures in in the original; are you acquainted with any of them, and are they genuine?

A. I did examine the original documents and the signatures to them; I will state those with which I am acquainted; I know the signature and handwriting of Ysidro R. Gondra, Vicente Segura, José Maria Tornel, and the signature of Becerra; these handwritings and signatures are genuine as they appear on the original documents, of which these are copies.

The handwriting in the original document, a copy of which appears on the first leaf of this exhibit, is that of the said Gondra.

The handwriting in the original document, a copy of which appears on page No. 1, in red ink, of this exhibit, is that of the said Gondra.

The handwriting in the original of the second marginal note, a copy of which appears on page 5, in red ink, of this exhibit (beginning with the word *Mayo* four), is also that of the said Gondra.

The handwriting in the original document, a copy of which appears on the reverse of page 8 and on page 9, in red ink, of this exhibit, is also that of the said Gondra.

The handwriting in the original marginal note, a copy of which appears on page 11, in red ink, of this exhibit, is also that of the said Gondra.

The interlineations which occur in the original document, a copy of which appears on pages 11 and 12, in red ink, of this exhibit, are also in the handwriting of the same Gondra.

The original interlineations, copies of which appear on the reverse of page 14, in red ink, of this exhibit, are also in the handwriting of the said Gondra, except the interlineations, copies of which appear at the foot of this page (14 in red ink).

The original interlineations, copies of which appear on pages numbered 15, and on the reverse of page 17, in red ink, of this exhibit, are also in the handwriting of the said Gondra.

The original signature, a copy of which appears on the re-

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verse of page 22 in red ink, is the genuine signature of the said Gondra.

The first original marginal note, a copy of which appears on page 5 in red ink of this exhibit, and the signature thereto, is the genuine handwriting and signature of Vicente Segura.

The original signature, a copy of which appears on page 7, in red ink, of this exhibit, is the genuine signature of José Maria Tornel.

The original signatures, copies of which appear on page No. 10 in red ink, and the reverse of page 24, in red ink, of this exhibit, are the genuine signatures of Becerra.

I know Becerra's signature because I have in my possession, in Mexico, a communication which he addressed me.

Q. 38. Examine the certificates affixed to the following documents, to wit: "Exhibit Bassoco No. 1, O. H.;" "Exhibit Bassoco No. 5, O. H.;" "Exhibit Bassoco No. 6, O. H.;" "Exhibit Bassoco No. 7, O. H.;" "Exhibit Bassoco No. 8, O. H.;" "Exhibit Bassoco No. 9, O. H.;" "Exhibit Bassoco No. 10, O. H.;" "Exhibit Bassoco No. 11, O. H.;" "Exhibit Bassoco No. 12, O. H." Say if you are acquainted with the signatures of the various persons, to the said certificates, and whether, at the date of the same, they held the respective offices which in their certificates they are said to hold?

A. I have examined them. I am acquainted with the signatures of all those various persons, except those of Anievas, Couto, and Alegria. All the persons referred to held, respectively, the offices which they are represented, in their several certificates, to have held at the date thereof. I know all those signatures to be genuine, with the exception of the three to which I have referred, and which I do not know.

I do not refer at all to the signatures attached to the certificate of the American Consul. I know nothing about them.

I know the signatures of Valasquez de Leon, P. Almazan, and J. Miguel Arroyo, because I have seen each of them sign his name.

Q. 39. Have you a personal recollection of having been present at the session of the Junta Facultativa, a copy of the Acta of which is found on page 1 of "Exhibit Bassoco No. 11, O. H.;" if you have, state what you remember about it?

A. What I remember most distinctly is, that I drew up the borrador of that session, and that the President requested me to subjoin the last few words relating to the keeping of copies of the documents in the office of the Secretary. The President I refer to was Mr. Moral.

I also remember that meeting of the Junta, because it was called for the purpose of making a report upon the matters

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which had been referred to it, and because it was after the assay had been made, and after the specimens had been placed in my custody, and deposited by me in the Cabinet of Mineralogy.

Q. 40. Is the original *Acta* of which a copy is found on page 1 of "Exhibit Bassoco, No. 11, O. H.," in your handwriting?

A. It is not. It is in the handwriting of the *escribiente.*

Q. 41. Who was the escribiente?

A. I think he was Mr. Tornel's son.

Q. 42. What is the technical name of the mineral that you call "Rock Crystal?"

A. It is Silica, or the oxide of Silicium.

Q. 43. Describe the coal, specimens of which were deposited by you in the cabinet with the cinnabar?

A. I remember that it is bituminous coal—one of the numerous kinds of bituminous coal.

Q. 44. Describe the specimens of lead, which were deposited at the same time?

A. It was a small piece which has imbedded in it some quartz, slate, pebbles, small pieces of clay, and some shells, etc. It was presented to us as native lead. I had it assayed, and I found a very small proportion of silver in it.

Q. 45. Were you well acquainted with Mr. Moral, and how long did you know him?

A. I knew him well. I knew him from 1836 till he died. His death occurred at Toluca, in 1847, I think, while he was Deputy to the Congress of the State of Mexico.

Q. 46. Were you acquainted with Mr. Herrera, the Professor of Chemistry in 1846?

A. I knew him from 1836 until he died. He had been my teacher, and was afterwards my associate, and so had Mr. Moral.

Q. 47. Did you ever have any conversation with Professor Herrera on the subject of his assay of those specimens of cinnabar?

A. I had several, because we never before had assayed at the laboratory such rich ore.

Q. 48. To what extent was this discovery of Castillero's known in the city of Mexico, about April and May, 1846?

A. It was generally known, but miners especially were informed of it, because it was only the year before that I had published a resumé of all that had been done by the Commissions appointed by the *Junta de Fomento*, touching the discovery of quicksilver mines, and the examination of such as had already been discovered, from which it appeared that the quicksilver mines which had theretofore been discovered were very poor; and when it became known that a mine had been

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discovered which was twice as rich as the old Almaden mine of Spain, it attracted general attention.

Q. 49. Why do you, say twice as rich as the old Almaden mine in Spain?

A. Because the Almaden mine in Spain yields, according to the reports, from ten to fourteen per cent., and the specimens from Alta California which we assayed, yielded thirty-five per cent., from which we made the usual deduction of one-fifth, as an allowance for the difference between the results of practical mining and those of a particular assay.

Examination adjourned until Monday next, 18th inst., at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal.,
Monday, July 18, 1859.

Examination resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 50. You said on Saturday, that you published a resumé of all that had been done by the *Junta de Fomento*, concerning the discovery of quicksilver mines, and the examination of such as had already been discovered: have you a copy of that publication?

A. I have; here it is.

Q. 51. When was that resumé written, and when published?

A. I wrote it in October, 1845, and it was published shortly after in the same year.

Q. 52. Do you remember the greatest ley of any quicksilver mine which had been worked in Mexico for several years before your said publication?

A. There were no quicksilver mines worked for a few years immediately preceding this publication.

The quicksilver mines of Guadalcazar began to be worked shortly after this publication, or in the same year, perhaps.

There were some old quicksilver mines which had been worked long before this publication.

Q. 53. Are the professors in the College of Mining in the habit of delivering public annual discourses?

A. They are. They occur about the month of November of each year, at the public examinations.

Q. 54. When was your first public lecture delivered?

A. In November, 1846.



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Q. 55. Was it printed and published; and when?

A. It was published in the "Annual" of the College, of 1848, because there was no "Annual" published for the year 1846. The "Annual" of 1848 may not have been published until 1849.

Q. 56. Was your entire discourse, delivered in 1846, published in the "Annual" of 1848?

A. No: there were only some notes of that discourse, which I considered important. By notes, I mean extracts from that discourse, consisting in the description of certain minerals.

Q. 57. Did you deliver a discourse in the year 1848?

A. I did. It is inserted in the "Annual" of that year.

Q. 58. Have you a copy of the "Annual" of 1848, or, as it is called in Spanish, "Anuario del Colegio Nacional de Minería"?

A. Yes, I have. Here it is.

[Witness produces the copy.]

Q. 59. Point out in this "Anuario," by reference to pages, your discourse delivered in the year 1848, and the notes concerning certain minerals, taken from your discourse delivered in the year 1846.

[Objected to by counsel for the U. S., as irrelevant.]

A. The discourse of 1848 begins on page 53, and ends on page 64, of this "Anuario." The notes taken from the discourse of 1846 begin on page 65, and end on page 69, of the same.

[Counsel for claimant here offers in evidence the printed *resumé* mentioned in the answer to the 50th question, with the exception of the plates annexed to the same, which he does not offer, because he considers them useless in this case, but submits them to the counsel for the U. S. for his disposition.

This document is marked "Exhibit Castillo No. 1, W. H. C.," to be filed with the witness' deposition.

Counsel for claimant also offers in evidence so much of the said "Anuario del Colegio Nacional de Minería," for the year 1848, as contains the discourse delivered by the witness in that year, and the printed extracts taken from the annual discourse delivered in the year 1846. He does not offer the entire "Anuario" of 1848, because it contains 116 pages of printed matter, but submits the same to the counsel of the U. S., to be offered in evidence by him, if he should think proper.

That portion of this "Anuario" offered in evidence as above is marked "Exhibit Castillo No. 2, W. H. C.," on its first page. The following pages are marked with the initials "W. H. C."

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Objected to by counsel for the U. S., on the ground of irrelevancy.]

Q. 60. When did you arrive in San Francisco?

A. On the 14th May last.

Q. 61. In whose company did you travel from the city of Mexico to San Blas, and thence to the city of San Francisco?

A. In company with Messrs. Castillo y Lanzas, Bassoco, Martinez Negrete, Balcarcel, Miranda, Yrisarri, Villalon, Velasco, Billings, and Wm. Barron.

Q. 62. Did you obtain leave of absence from the Government?

A. I did. I obtained permission from the Government through the Ministerio de Fomento.

Q. 63. For what purpose did you come to San Francisco?

A. For the purpose of testifying to what I knew with regard to the mine of New Almaden.

Q. 65. What compensation have you received, or are you to receive, for coming to San Francisco on that business?

A. I am to receive in all, six thousand dollars, of which I have already received five thousand six hundred dollars.

Q. 65. During your absence from Mexico, will you be paid your salary as professor?

A. I am not to receive any salary for the time I may be absent. My leave of absence is for three months.

Q. 66. What is your salary as professor?

A. Two thousand one hundred dollars per annum.

Direct examination closed.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 19, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy of counsel for claimant, and Mr. Randolph for the United States.

CROSS EXAMINATION.

Q. 67. Before leaving Mexico to come to San Francisco, did you obtain a passport?

No, I did not obtain one, because I did not think it necessary.

Q. 68. Is there any one in San Francisco, besides the party you came with, that you have formerly known in Mexico?

A. There are several; Mr. Chittenden, the lawyer; Mr.

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Schleiden, and some of the persons who were banished from Mexico, now here.

Q. 69. Do you not belong to the "Church party" in Mexico, of which Miramon is chief?

[Counsel for claimant requests the interpreter to state to the witness that if he has any reasons for desiring not to answer this question, to make them known.]

A. I desire not to answer this question, because, being a professor in the College and subject to the authority of the Ministerio de Fomento, my answer to the question might affect me injuriously.

Q. 70. Who was the Minister of Fomento who gave you leave of absence from the Capital?

A. Don Octaviano Muños Ledo.

Q. 71. Did he give you the permission in writing, and if so, where is it?

A. He gave me the permission in a dispatch addressed to me in reply to my request for such permission. I have left the dispatch at home in Mexico.

Q. 72. Did you inform the Minister for what purpose you wanted the leave of absence?

A. I did.

Q. 73. Did you make known to him that you wanted a leave of absence to come to California to testify in behalf of Andrés Castillero, against the United States, in the present case, wherein Andrés Castillero is asserting a title to the New Almaden Mine?

A. In my request for leave of absence, I stated simply that I had been requested by the house of Barron, to come to California to testify before the United States Court to what I knew touching the mine of New Almaden; not knowing who was the adverse party in the suit.

Q. 74. Had you not heard from Mr. Barron, Manuel Couto, or somebody else, that the house of Barron, and others, were, in the name of Andrés Castillero, claiming the New Almaden Mine against the United States?

A. No, sir. Mr. Barron did not inform me of the nature of the case, and although Mr. Couto did speak to me on the subject, I did not pay particular attention to what he said, feeling no interest in the matter. I learned merely that there was a suit, and I supposed the points in controversy were as to certain requisites of the mining ordenanzas.

Q. 75. Which one of the Barrons was it that spoke to you about the business?

A. Mr. William Barron, who is here.

Q. 76. Did you not know before you left Mexico that the

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question on which your evidence was wanted was, not as to the construction of the mining ordenanzas, but whether certain documents alleged by the claimants to be existing in the City of Mexico, and to constitute their title to the New Almaden mine, were genuine or forged?

A. I did not. It was only a short time before I left Mexico that I was requested to examine those documents, to see if they were genuine. I did not know what the question was with regard to which I was to testify.

Q. 77. How was it possible, after you were requested to examine those documents to see whether they were genuine, and then were requested to come to San Francisco to testify, that you did not know that the genuineness of those documents was that which you were brought here to prove, and was the question in dispute?

A. I was not requested to come after I had examined the papers, but long before. The idea which I had entertained was, that I was to come here to testify to the facts which had occurred, of which I had knowledge. It was after I had agreed to come, that I examined those documents, and made the comparisons which I have heretofore described.

Q. 78. Did you not speak with one Emilio Pardo, a lawyer in the city of Mexico, about this business?

A. The only conversation I had with him about this business was, that he and Mr. Billings came to see me about the specimens of cinnabar, and asked me some questions about them, whether I had the custody of them, and whether I remembered the date which I had put on the labels attached to the specimens of cinnabar sent by Castillero; as I did not remember this, I looked at the specimens and showed them to Mr. Pardo and Mr. Billings.

Q. 79. Is not Mr. Pardo, of whom you have spoken, attorney for the house of Barron, in this matter, in the city of Mexico?

A. I heard that he had come here to California, and I infer that he is the attorney for the house of Barron.

Q. 80. Did not the conversation you have spoken of, occur after the return of Mr. Pardo from California?

A. It did.

Q. 81. How long before you left Mexico to come to California yourself?

A. A little over a month.

Q. 82. Did you not remember, when Mr. Pardo spoke to you, that you had the custody of the specimens of cinnabar from the New Almaden mine of California?

A. I certainly did remember that I had the custody of them.

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I knew I had them since they were presented by Mr. Moral in 1846. I had seen them nearly every day. All the specimens in the cabinet were under my charge.

Q. 83. What was it then, that you did not remember when Mr. Pardo spoke to you about these specimens?

A. I did not remember whether I had written on the labels the date of the receipt of the specimens. I found I had not.

Q. 84. How was it then, that you ventured to write the date upon these labels, after Mr. Pardo spoke to you?

[Question objected to by counsel for claimant, on the ground that there is no proof that the witness did write on these labels any date, after the conversation with Mr. Pardo, but on the contrary, the supposition in the question is directly contradicted by the copies of the labels produced by the witness, from which it will appear that the date of their receipt is not given.]

(Question withdrawn.)

Q. 85. You had then no writing to show the date at which you received those specimens of cinnabar now in the Cabinet of Mineralogy?

A. I have no paper by which the date appears.

Q. 86. Do you swear then from memory alone, to the time at which you wrote these words: "Cinnabar, Mission of Santa Clara, in California, Virgin Deposit, (*Criadero*), average yield, 35.5%, specimen No. 5," now ticketed on the specimens of cinnabar in the Cabinet of Mineralogy?

A. I do. There is also a circumstance which goes to prove that my recollection is correct, viz: that my handwriting at that time, as is shown by the original inscription on the label, was very different from what it is now.

Q. 87. Can you write both of those handwritings now?

A. I cannot. All the labels written by me at that time are written in the same style of writing.

Q. 88. Did the change in your handwriting occur all at once on a certain day, or has it taken place gradually; and if the the latter, can you fix a time up to which you may be said to have used the handwriting of 1846, and since which you have used your present handwriting?

A. The change in my handwriting has occurred gradually, insensibly. I cannot state the particular time at which the change was completed.

Q. 89. Can you then swear that you did not use the handwriting in which this label was written, as late as the year 1850?

A. There is a resemblance between the handwriting I used in 1846, and my handwriting in 1850. I could distinguish my handwriting in 1846, from my handwriting in 1850.

Q. 90. Can you swear that you are able now to distinguish

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your handwritings, in the years 1849, 1848 and 1847, or any of them, and if so, which, from your handwriting in 1846?

A. That would be very difficult for me. The reasons why I remember my handwriting in 1846, are that I have preserved the *borrador* of an interesting *acta*, written by me in that year, and I have compared it with my writing on the labels, and find it exactly similar, and that I have compared the signatures which I signed in that year to the *actas*, with signatures which I have signed this year to the *actas* which I had omitted to sign in that year.

Q. 91. What *borrador* is this of the year 1846, that you have preserved; why did you preserve it, and have you only one *borrador* of that year?

A. It is the *borrador* of the *Acta* of a session of the *Junta Facultativa*, at which, one of the members acted as President, and which we, the Professors, held for the purpose of recommending to the Government the abolition of the office of Director of the College. This was during the banishment of General Tornel. There was another *borrador* of that year, which I tore up shortly before I left Mexico to come here, because it had been properly engrossed—a clean copy of it had been made. I think there still exists some additions to, or corrections of, the *Actas* of that year, in my handwriting. I tore up the *borrador* I have mentioned, in presence of the present Director and Secretary, after having signed the engrossed copy.

The *borrador* of the *Acta* of a session of the *Junta Facultativa*, at which one of the members acted as President, and which we, the Professors, held for the purpose of recommending to the Government, the abolition of the office of Director of the College, is the one I have preserved.

Q. 92. Have you brought that *borrador* with you; and among the traced copies brought from Mexico, is there any traced copy of these labels on the specimens of cinnabar in the Cabinet of Mineralogy, so that we may make a comparison of the handwriting between them?

A. I have not brought the *borrador*, nor was any traced copy of the labels taken.

Q. 93. Are there many specimens in the Cabinet of Mineralogy, with labels in your handwriting?

A. There are.

Q. 94. Can you tell, now, from memory alone, and without the aid of any writing, at what time you put the labels on these other specimens?

A. I can state the year, but not the precise date.

Q. 95. Why is it that you can state so much more precisely

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when you wrote the inscriptions on the labels on the specimens of cinnabar from this mine?

A. For the reason that they were the first rich specimens received in the class, and since 1845 I have received many specimens of other cinnabar, but the specimens from this mine being the richest, I remember them better than the others.

Q. 96. Does this enable you to remember, that you first saw the rich specimens from this mine about the month of April, and not May, or June, in that year (1846)?

A. This, and the presentation of them by Mr. Moral, and the meeting of the *Junta Facultativa*, all of which happened about the same time, enable me to remember when I first saw and labelled them.

Q. 97. Notwithstanding all the circumstances you have mentioned, it seems to me, that you might have put these labels on these specimens at a much later period: for example, why might not these labels still have been written in 1849, up to which time, you admit, that it would be very difficult to distinguish your handwriting from that of 1846?

A. There is another circumstance which shows that my statement, with regard to these labels, is correct, which is, that the students of the year 1846, were shown these specimens, as well as others, by me, when describing the different kinds of ores and sulpherets (*sulfuros*); and besides, as I spoke of them in my discourse of that year, it is evident that I must have attached the labels to them at the time I have stated.

Q. 98. How can those circumstances make it evident, that those specimens, in 1846, bore labels in your handwriting, or any labels at all?

A. Because all the specimens that were shown to the students have tickets which show the name of the ore, the place whence it came, whether from some part of Mexico, or Europe. Specimens that come from Europe are generally classified, and specimens taken out in the country (Mexico) are not, but have to be classified by the Professor.

Q. 99. Is there any classification in these labels; do you call such a memorandum as this a classification?

A. The classification consists in labeling and inscribing the labels as I have stated, and properly allocating the specimens as sulphurets, native metals, etc., according to the system which regulates the collection.

This is a classification: A specimen is presented; the professor ascertains what it is—for instance, whether it is a sulphuret, selenide, or native metal, etc.; then a ticket is placed upon it, inscribed as I have before stated, and it is deposited then in its corresponding place in the collection.

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Q. 100. The label expresses the classification in full, does it not; not only the name of the substance, and the place from which it was obtained, but also its scientific designation and distinctive qualities, as you have explained above; this, I presume, must necessarily be expressed on the labels of those specimens which came from Europe already classified, and hence that you put a similar label on those which you classified; is not that so?

A. No, sir. The name of the substance is stated on the label: for instance, if it is cinnabar, that name is given it; but its distinctive qualities are not stated on the label; it is not stated to be a sulphuret, because every mineralogist knows that cinnabar is a sulphuret. The place whence it came is also noted on the label, and then the specimen is placed among the class of minerals to which it belongs.

Q. 101. Is there not more than one kind of cinnabar, and should not a label express to which kind it belonged?

A. There is more than one kind of cinnabar; but that is the name of the species, and when that is stated, the class of minerals to which the specimen belongs is known.

Q. 102. In labeling a specimen of cinnabar, so as to classify it for the instruction of students, would you not, as a professor, have expressed the particular kind of cinnabar to which that specimen belonged, seeing that there are several kinds of cinnabar?

A. Yes, sir; and that was what was done, because we put what is called the mineralogical formula, which expresses the substances which compose the specimen.

These specimens were numbered "5," because they were the fifth set of specimens which had been received at the College. There were other specimens received from Ydria, Almaden in Spain, and some places in Mexico.

This mineralogical formula was placed upon the earlier specimens, but it was deemed unnecessary to repeat it, and it was therefore subsequently omitted.

The mineralogical formula is this: Hg. S. or Hg.

Examination adjourned until to-morrow at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 20, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 103. What mineralogical formula or other memorandum

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is there on this label, (which label, you say, you put on these specimens in 1846,) to show which kind or class of cinnabar they belonged to?

A. As I stated before, this was the fifth set of specimens; the first specimens had a mineralogical formula attached to them, and it was deemed unnecessary to repeat it upon the subsequent specimens, because they were of the same species as the first. It was thought sufficient to state the name of, and to number, the subsequent specimens.

When the specimen is a different kind of the same species, the label shows it to be so; but if it is the same as the first specimen, the label only shows the name and number of the specimen.

Q. 104. I wish to know what words on this label show what kind or class of cinnabar this specimen belonged to. Please look at it, and answer the question.

A. The word "cinabrio" indicates that it is a pure sulphuret; that it is a specimen of that species.

Q. 105. In your answer to question 101, you said there was more than one kind of cinnabar. My object in the present question is to ascertain what words on the label show to what kind these specimens belonged.

A. The word "cinabrio," on the label, means that the specimen is one of sulphuret of mercury, of the pure species; if the specimen had been of any other kind of cinnabar, a different name would have been written, such as "Cinabrio Hepatico," "Cinabrio Acolorado," etc.

Q. 106. That being the case, why, in answer to question 102, did you say that you put the mineralogical formula on the first of the series of specimens, of which these were No. 5, in order to express the substances of which they were composed, if, as you now say, the elements of the mineral were expressed by the word "cinabrio" alone?

[Question objected to by counsel for claimant as irrelevant.]

A. The mineralogical formula is an abbreviation of the names of the substances of which it is composed, for instance, "*Hidrargirum Sulfur*" is abbreviated thus "Hg. S.," which is equivalent to the word *Cinabrio*.

The formula gives the scientific name of a substance which the miners call *Cinabrio*, and indicates the several quantities of its component parts.

Q. 107. Have you generally in the College of Mining a numerous class of Mineralogy, and in what manner do you instruct your class?

A. There are, in all, about eight or ten students in that class every year. The lessons are given them from works written expressly for the College, by Don Andres del Rio.

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Q. 108. What use do you make of the Cabinet of Mineralogy in your course of instruction?

A. The specimens are shown to the pupils in describing the different kinds of minerals.

Q. 109. Are not the pupils also freely permitted to examine these specimens, as aid to their studies?

A. There is a separate collection for them, with which they rehearse what has been taught them in the class.

Q. 110. And, I suppose, you frequently exhibit the minerals in the cabinet to visitors also, do you not?

A. Yes, sir. All the collections in the College are frequently shown to visitors who are introduced to the Professors, or to the Director.

Q. 111. As these labels are but slips of paper, attached to a piece of stone, and as you have been in the habit of handling them so constantly, in giving instruction to your class, and exhibiting your collection to visitors, how is it possible that you can swear that they are the same labels that you put on in the year 1846; is it not altogether probable that the old labels have been lost or destroyed, and new ones put on in their place, a great many times during the last thirteen years?

What is it that could have preserved these slips of paper for so long a time, and under such circumstances?

[Question objected to by counsel for claimant, on the ground that there is no proof that both of these labels were written in 1846; but, on the contrary, the witness has declared that only one of them was written in 1846, and that the other one, he thinks, was written in 1850, and copied from that which the witness wrote in 1846.

Counsel for the United States requests the interpreter to instruct the witness to answer with reference to the label mentioned in his answer to Question 19.]

A. It is a mistake to suppose that the labels are attached to the specimens; they are not. Each specimen is kept in a pasteboard box, the label (being a sheet of paper, with the inscription I have mentioned) laid in the box under the specimen, as is usual in Museums. These boxes are kept in cases with glass doors, and, when the collections are shown to visitors, the specimens are not taken out, but are seen through the glass. The Professor always keeps the key of those cases.

I can assert with certainty, that there are some labels as old as the foundation of the College.

In addition to the labels being all numbered, there is a catalogue, in which copies of all the labels are kept, so that, in case of the loss of a label, it can be immediately replaced. The number is also pasted upon the stone itself.

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Q. 112. All this being so, why, when the counsel for the claimant asked you if any labels were put on the specimens, did you answer, "I put labels on them;" and, then, when you re-arranged the cabinet, some of the inscriptions were off, and new ones put on?

A. Then I believe I had not been understood. When I stated that I had put labels to the specimens, I meant that I had written the labels aad placed them in the boxes with the specimens. I did not state that there were any *off* when I re-arranged the cabinet; what I stated was, that when the cabinet was re-arranged, the labels on the specimens in one case (*aparador*) were taken off, and new ones, in the handwriting of my pupil, were put on.

This case (*aparador*) in which the labels were renewed, contains part of the collection which is shown to visitors.

Q. 113. The 14th question is in these words, viz: "At the time these specimens were placed in the cabinet of minerals, were any labels put on them?" and your answer was:

"I put labels on them, I wrote the inscriptions upon the labels myself; and afterwards, when the cabinet was re-arranged, some of those inscriptions were taken off, and new ones were put on by one of my pupils."

Do you now say that that answer is not correct, and does not express what you intended to convey?

A. That was my answer, but it was not correctly understood.

The word which I used, and which is translated "label," was "*etiqueta*," by which I meant, the piece of paper which is placed in the box with the specimen, in a perpendicular position, between the side of the box and the specimen, and sufficiently exposed to show the inscription upon it, part of the ticket being under the specimen, the part which has the inscription, exposed.

Q. 114. You say that the specimens in the Cabinet are shown to visitors through the glass, and are not taken out of the case; is not that a very unnecessary precaution, and a singular mode of exhibiting a specimen of ore; why do you not suffer the visitors to look at them more closely, to take them in their hands to feel their weight?

A. I stated that as the course that was generally pursued; sometimes, when a distinguished foreign, or other person, possessing special knowledge upon the subject of mineralogy, visits the cabinet, the specimens are taken out and handed to him. This is not generally done, because there are many persons who don't even know how to handle a specimen, and if all visitors were allowed to do so, the specimens would soon be spoiled.

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Q. 115. Do you remember about what time of the year it was that you renewed the inscriptions in 1850, and that Juan Orosco wrote the inscription for the other specimen of cinnabar, and which, you say, you think he wrote about the the year 1850?

A. During the whole of that year Orosco was writing the inscriptions, as he found time. Orosco renewed this one when be renewed all the others. I judge from the order in which the specimens are placed, that this must have been one of the first which he renewed.

Q, 116. Can you state upon your oath, that you have the least recollection at what time of the year Orosco renewed the inscription for this particular specimen from the mine of New Almaden?

A. Taking it for granted that I am right about the year (for I stated that it was about 1850 that it was done), I infer from the order in which the specimens are placed, that he did it in the early part of the year. This is my only reason for thinking so.

Q. 117. What is there about that Cabinet of Mineralogy which would require this pupil (Orosco) to commence at one place, and pursue one certain order more than another, when renewing the inscriptions; and if he had done so, how could you at this late day remember so insignificant a circumstance?

A. As the study of Mineralogy proceeds in a certain order, according to the different kinds of minerals, it would be easier for the pupil to proceed with the renewal of the inscriptions according to the order of his studies, than to renew them at different places, and without regard to such order.

Q. 118. Is quicksilver one of the first subjects treated of in your course of mineralogy, and are these specimens from the New Almaden mine among the first specimens exhibited to your pupils?

A. The order prescribed in the works of Mr. del Rio is first, native metals, and next, sulphurets, to which class cinnabar belongs; so that it would be the second class of ores. These specimens are among the first exhibited to the pupils.

Q. 119. How can you discover any connection between the order of studies, and the order in which a man would copy the little tickets deposited in the boxes with the specimens?

A. I instructed Mr. Orosco to renew the tickets about the beginning of the course; some of the inscriptions which he had to renew belonged to specimens that were being used in the class, and these he renewed in the order in which I used them in my lessons to the class; the other inscriptions he renewed when he was at leisure.

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Q. 120. With only such circumstances as you have mentioned to aid your memory, do you not feel constrained to admit that you know no better the time of the year when this particular inscription was renewed, than you do in what year it was done?

A. I am uncertain whether it was in the year 1849 or 1850, but I am certain that it was during the first three or four months of one of those years, during the early part of the course.

Q. 121. I suppose that Orosco in that year renewed a great many inscriptions, did he not?

A. He did.

Q. 122. Why did he not renew the inscription which you say you put on some of the specimens from this mine, in 1846, about the month of April. I mean this one, "Cinnabar, Mission of Santa Clara, in California, virgin deposit, (criadero) average yield, 35.5%. Specimen No. 5"?

A. Because he did not renew any of the inscriptions except such as are in the collection called *coléccion general.* This inscription written by me was not in the *coléccion general*; it was in a separate case (aparador) in one of the compartments of the aparador, which had the words "States of Chihuahua, Sonora, Sinoloa," painted upon it. There is one aparador in which is kept the general collection (coléccion general); there are other aparadores in which are kept collections from particular States.

Q. 123. Was there any aparador, case, shelf, or anything else, appropriated exclusively to specimens of minerals from California?

A. There was not. They were kept in the aparador before referred to, which had the words "States of Chihuahua, Sonora, and Sinaloa" on it.

Q. 124. Are there many specimens from California in the cabinet?

A. Not many from Upper California.

Q. 125. Are there any others than those you mentioned in your direct examination?

A. There are not.

Q. 126. Which are the most extensive and complete; the separate collections of the various States, or the general collection?

A. The general collection contains specimens from all parts of the world, and the others contain specimens from each State only; but the particular collections from the various States are more complete for those localities, because the most striking and remarkable specimens only, are placed in the general collection.

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Q. 127. In instructing your class, do you exhibit to them both of these collections, or only one; and if so, which?

A. I first show them the general collection, and afterwards we cursorily examine others.

Q. 128. As you are engaged in teaching a class, intended to become practical miners in the Republic of Mexico, are you not quite particular in giving them the fullest information of all the peculiarities and shades of difference to be observed in the specimens from the various parts of the Republic, and for that purpose do you not make them well acquainted with the contents of the special collections of which you have spoken?

A. In the works of Mr. del Rio, some of which have been corrected by myself in manuscript notes, which are copied by my pupils, a description is given of the different minerals of the country, and there is a collection of specimens of those minerals kept for the use of the students, called the *coléccion de estudio*. The special collections I refer to for the purpose of ascertaining what progress the students have made, and I do so by taking up a specimen here and there, in the special collections, and questioning them about it. The students, in their general course, use specimens of the same description as those found in the special collections, for there is a collection for the use of the students, as I stated before.

Q. 128. As I understand you then, you mean that you exhibit to your students, sometimes the striking and remarkable specimens in the general collection, and sometimes the more extensive varieties of the same minerals, to be found in the special collections?

A. Yes. But the pupils are never shown the specimens in the general collection, nor in the special collections, except at the lecture when I am present. The students' collection they always have access to.

Q. 129. As both collections were sometimes shown the students, and as you say that Orosco pursued the order of his studies in renewing the inscriptions, how does it happen that he renewed the inscriptions on the specimens in the general collection, and did not renew that on the specimen in the special collection. I mean, why was it that he renewed this inscription, "Cinnabar from California, Mission of Santa Clara, 5 leagues south thereof; virgin deposits (criadero), discovered in 1845, by Don Andres Castillero, who transmitted the specimens to Señor Ramon del Moral, Director of the College at that time, through his excellency, Gen. Don José Joaquin Herrera. Average yield of the minerals 35.5%. One specimen, No. 5," and not this, "Cinnabar, Mission of Santa Clara, in California. Virgin deposit (criadero). Average yield, 35.5%. Specimen No. 5"?

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A. It was because that I desired that he should first renew the inscriptions in the collection which scientific men were most in the habit of examining, and I wished those inscriptions to be written in a legible handwriting. He would have renewed the other inscriptions also, if he had had time.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., July 21, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy of counsel for claimant, and Mr. Randolph for the United States.

Q. 130. Did Orosco renew any inscriptions besides those in the general collection?

A. No, sir.

Q. 131. What is the reason that the inscription accompanying the specimens of cinnabar from this mine, deposited in the general collection, and which you were in the habit of showing to visitors, is so much more minute and specific than the inscription on the label accompanying the other specimens?

Why does it contain so much more of the history of this case in which you are now being examined, viz: That the mine was discovered in 1845 by Don Andres Castillero, who transmitted the specimens to Señor Don Ramon del Moral, etc. etc.?

A. When we received these specimens, I divided them into three parts, one for the general collection, one for special collection, and one for the students' collection. I wrote three labels, one for each set, and on the label which I intended for the specimens in the general collection, I wrote all the details which Mr. Moral gave me; on the others, I wrote only the name, place, whence the specimens came, and the number of pieces.

Q. 132. What is the reason you were so much more specific in one case than the other?

A. Because it was unnecessary to write them on all three.

Q. 133. When was the first time that you remember to have had your attention called to the fact that Orosco had copied the inscription accompanying the specimens in the general collection, and had not copied the other inscription?

A. Orosco copied the inscription in my presence, and did not copy the others. The first time I saw the inscription after it was copied by him, was in the early part of the same year in which he copied it, 1849 or 1850, at the lectures.

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Q. 134. When, after that, was the first time that you now remember to have had your attention called to the fact that he had copied one, and not the other; I do not mean in a general manner, and casually, when you were handling the specimens, in the course of your lectures or otherwise; but when, if ever, you had both of the inscriptions before you, and noted specially that one had been copied by Orosco, and the other had not?

A. I knew that that was the condition of the inscriptions all the time; and I have had occasion, during each year, to observe that the one inscription was more specific, and gave more details, than the others, because the one copied by Orosco is that which accompanies the best specimens which we showed the pupils and friends who visited the College.

Q. 135. As a professor, instructing your class, or exhibiting the cabinet of minerals to visitors, it is insupposable that you would be paying a very particular attention to the handwriting of the slip of paper at the bottom of a box in which the specimens were kept: I ask you again, when, if ever, you remember to have made a comparison of the handwriting of these inscriptions, and to have specially noted the fact that one or more was in your own handwriting, but that the other was in the handwriting of Orosco?

A. At the beginning of each year, the professor takes as many specimens from the general collection as he desires to exhibit to the students during his lecture, which lasts about two hours, the students' collection being also before him; and on these occasions, I (being the professor) have observed that the inscription in the general collection was in the handwriting of Orosco, besides which, I have the distinct recollection of his having copied it, which I before stated.

Q. 136. I understand you then to say, that from the time this inscription was copied in 1849 or 1850, you do not remember to have made any more particular comparison of the two handwritings than you have expressed in your last answer?

A. I have never compared them otherwise. I have seen the difference in the handwriting every year.

Q. 137. But after Mr. Pardo had spoken to you, and asked if you remembered the dates which you had put on the tickets accompanying these specimens, and after that, you copied into your note book both of these inscriptions, as you have produced them here in evidence, you had occasion to observe very particularly that the one is in the handwriting of Orosco, and the other in your own handwriting, did you not?

A. I did not observe it then with more particularity than before. I observed it the same as before.

Q. 138. How is it possible for you to remember with cer-



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tainty, and be able to swear so positively to, such minute facts, after so long a time, as that in 1846, you wrote with your own hand tickets for certain specimens in the cabinet of mineralogy, and that they were not written by the hand of any pupil or employé; also that, in 1849 or 1850, you saw Orosco copy the ticket for one of these specimens; seeing that, in that cabinet, there must be a great many such tickets which must have been made by you, or some one under your order, in the last thirteen years; and seeing that Orosco was engaged in copying such tickets during a whole year, and must doubtless have copied a great many during that time?

A. I speak with so much certainty because I remember the facts. I remember the receipt of the specimens, and that I wrote the tickets for them, because they (the specimens) were the richest that had been seen, and because it was my duty to classify and write tickets for them, and all other specimens of minerals which were not already classified when received. With regard to the copy made by Orosco, I remember it, because it was for the finest specimen, and one which I used in my lectures to the class. No one can touch any of the tickets or labels without my consent.

Q. 139. Notwithstanding that these specimens might have been the richest that ever were seen, &c. &c., why might not any pupil or employé have written the tickets under your direction, or have copied them from some rough memorandum made by you on the moment of their receipt, just as you say the escribiente of the Junta Facultativa copied your *borrador* of the *actas?*

A. The evidence furnished by facts cannot be done away with by argument. There is no escribiente or employé in the class. It is the duty of the Professor to write the tickets.

Q. 140. What fact is there, or what other evidence than your mere memory at this late day, to show that the ticket which you say was copied by Orosco in 1849 or 1850, was an exact transcript of another ticket in your own handwriting?

A. All the tickets which were copied by him from original tickets in my handwriting, were compared by me with the original tickets, and when found to be correct copies, I tore up the originals.

Q. 141. When tickets are renewed, is there any obligation, and if so what, to renew them in precisely the same terms as the old ones? Why might you not, if you thought proper, make the new ticket more specific and circumstantial than the old one?

A. The inscription could not be changed without falsifying it and destroying its value, because the original inscription con-

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tains a true statement of the information given with regard to it at the time of its reception; for example, if you present a specimen, you state where it came from, by whom it was discovered, and what is its *ley;* and if I should not write down these particulars at once, they would escape my memory.

Q. 142. But as you retain to this day a personal recollection, as you say, that these specimens were presented to you by Don Tomas Ramon del Moral, and also a personal recollection that you were present at the meeting of the Junta Facultativa, and drew up the *borrador* of the *acta* of the same, by which it appears that the mine was discovered by Andres Castillero, and the specimens by him transmitted to Señor Ramon del Moral, and even that you inserted certain words in the *acta* of that session, at the request of the President of the meeting, and so many other like particulars; why might you not in 1850, when the matter must have been so much fresher in your mind, have inserted, or caused to be inserted, some of the same details in the copy which Orosco was then making of the said ticket, and which appear there now?

A. I never change or vary the inscriptions on the tickets, except for scientific purposes; for example, if it should turn out on examination that what was called cinnabar, was in reality red oxide of iron, I would scratch out cinnabar and insert the true name, but I never change the inscription in the other particulars I have mentioned.

Q. 143. In your answer to question 141, you say that if you did not write down the particulars at once, they would escape your memory. If you could not trust your memory to write these particulars on a ticket a short time after you had received them, how can you now trust your memory to swear to the very same particulars in this deposition, as you have done?

[Question objected to by counsel for claimant, for the reason that he has not sworn to the same particulars in this deposition which are stated in the labels.]

A. I can do so perfectly. When I spoke of writing down the particulars, I was describing the general practice, and had no reference to this particular case. If something had been presented to you which you had been looking for, for years, you would remember it whether you wrote down the particulars or not, and so it is with me. I would have remembered these particulars without having written them down.

Q. 144. Then with respect to these specimens from the New Almaden mine, you would have been able, in 1849 or 1850, to write down from memory all the particulars which appear on that ticket, that you say Orosco then copied?

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A. Certainly, I could have done so at any time, but I never would do so for the reasons I have already given.

Q. 145. As your memory in regard to these specimens from the New Almaden mine is so clear and certain, that you have a personal recollection of all the minute circumstances which you say occurred in the year 1846, and even that you wrote three tickets with your own hand, and that afterwards you saw Orosco copy one of these tickets in 1849 or 1850, and can swear that he made no change from the original, how does it happen that, when Mr. Pardo asked you, you did not remember the date when you made these tickets for these specimens?

A. What I did not remember, when questioned by Mr. Pardo, was, whether I had stated on the tickets the date of the receipt of the specimens or not. The general facts I had not forgotten.

Q. 146. As you have paid so much attention to these tickets that you are able to swear you have had the fact present to your mind ever since 1849 or 1850, that one of the tickets was in your handwriting, and that the other was in the handwriting of Orosco, and have kept your recollection of that circumstance alive by continual reference to the two tickets, how does it happen that you had failed to observe, or forgotten, that neither ticket bore a date?

A. Because the date of the reception of the specimens was a matter of no consequence to me, and might well have escaped my attention in looking over the inscriptions.

Q. 147. Perhaps that consideration might account for your not recollecting precisely what the date was, but would it account for your not observing that there was no date at all?

A. It was for that same reason that I did not observe whether there was a date or not; I knew that the date of the discovery was stated, and I remembered the year in which it was made.

Q. 146. In that cabinet, is it not the practice always to put upon the descriptive ticket which you have spoken of, the date of the reception of a specimen?

A. It is not always done; it happens rarely that the person who presents a specimen himself states the date of the presentation of the specimens on the paper sent with them.

Miners sometimes send specimens, and send a letter or paper with it, stating that the specimen was presented by the person sending it, on a certain day, etc.

Q. 149. As the cabinet of minerals in the National College of Mining in the Republic of Mexico, must I suppose be a very large one, does not this absence of dates on the descriptive tickets accompanying the specimens create a great deal of con-

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fusion in your chronology, and render the collection useless as a history of the progress of discoveries in the mines of the country? Without dates, how can you tell, after a little while, whether a certain specimen was presented at the first foundation of the College, or a generation or so afterwards?

A. The date of the reception is not stated on all the tickets; it is on some; but we keep a catalogue in which is recorded a description of all the specimens received during each year.

Q. 150. In what manner is the descriptive ticket identified with the catalogue?

A. By numbers, and the name of the substance; and also by reference to the catalogue of the particular collection. There is a particular catalogue for each collection, and a general catalogue composed of all the others.

Q. 151. Then there is in the Cabinet of Mineralogy a memorandum of the date of the reception of these specimens from the New Almaden Mine, and you could have found it by referring to the number of the tickets in the catalogue?

A. I have not stated that the catalogue contained the date of the reception of the specimens, but that it merely stated the year in which the specimens were received.

Q. 152. Then with the aid of both tickets and catalogues, as kept in the Cabinet of Mineralogy, you cannot come nearer than a year to the date of the making of any remarkable discovery of minerals in Mexico?

A. No, I cannot. If it were a very extraordinary discovery, the professor would mention it in his lectures.

Q. 153. As it would be so easy to put the day and month before the year, and is of such universal practice in all the affairs of life, how do you account for its omission from the tickets and the catalogues in the Cabinet of Mineralogy?

A. The substantial matter with us is merely to know the year. Dates are not considered in the same light with us, in a Cabinet of Mineralogy, as they are in commercial affairs. I have already stated that the professor would mention it in his lecture if it was a very important discovery.

Q. 154. How would the professor be able to ascertain the date?

A. By the advices which the discoverer might send him.

Q. 155. Would he make no record in the College of this information, that he might not forget it when he came to lecture the next year?

A. That would not be necessary, because it would appear in his lecture book.

Q. 156. Was there ever, in recent times, a more important discovery of minerals made in Mexico, than this by Andres Castillero of the New Almaden Mine?

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A. There has been no discovery of quicksilver mines more important than that of Castillero's. There have been important discoveries of other mines, which were not however as important as Castillero's discovery (not quicksilver mines).

Q. 157. Is there then any book kept or used in the Cabinet of Mineralogy which shows the date of the reception of these specimens from this mine, which constitutes the most important discovery of minerals made in the Republic of Mexico in this age?

A. There is no book which contains the precise date of the reception of those specimens. The discovery is mentioned on the ticket, and is also referred to in a lecture delivered by me in 1846, extracts from which were subsequently published.

Q. 158. By looking at the extract to which you refer, I find nothing to show the date of the discovery of the delivery of that lecture by yourself: Am I to conclude that in your department of the College of Mining, the year in which these specimens were received is noted in a catalogue, but that there is no memorandum anywhere of the day or the month of their reception?

[Question objected to by counsel for claimant, for the reason that the extract referred to is one of notas or notes, appended to the witness' lecture, purporting to be delivered on the 17th day of November, 1848, which notes have the following superscription: "Notas sobre algunos minerales, Tomales del discurso anual de 1846, del profesor Antonio del Castillo, encargado de la clase de mineralogia del Colegio de Mineria de Mexico."]

A. The year of the discovery appears on the ticket, but there is nothing to show the precise date of the reception of the specimen. The catalogue shows the year in which the specimen was received.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., July 22d, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Examination adjourned by consent, to Monday next, 25th inst. at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., July 25th, 1859.

Examination resumed from the 22d inst.

Present: All the parties except the counsel for the United States, who having informed the Commissioner of his inability to attend to-day:—

The examination is adjourned until to-morrow at twelve o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, July 26, 1859.

Examination resumed from yesterday, 26th inst.

Present: A. C. Peachy, Esq., for claimants, and Edmund Randolph, Esq., for the United States.

Q. 159. After having taken copies of the two tickets of which you have spoken, and compared the traced copies of all the documents to which you have testified, how was it possible for you not to know that the question upon which you were to be examined here, was as to the genuineness of the alleged title papers of the claimants in this case; seeing that some of those title papers were contained in a document which you compared?

A. I have already answered upon this point. When I was requested to come here, I formed the idea that I was to testify with regard to occurrences within my knowledge, and some of which I had been an actor in. As this was my idea, I made no effort to ascertain what the question in controversy was, nor had I time to do so.

Q. 160. In answer to question 74, you said, "I learned merely that there was a suit, and I supposed the controversy was as to certain requisites of the mining ordenanzas." How could you suppose that the facts which had passed before you, the tickets on the specimens, and the documents from the various departments, etc. etc., were to throw any light upon the requisites of the mining ordenanzas?

A. That was merely a supposition of mine, arising from the fact that, in Mexico, nearly all the lawsuits about mines arise out of omissions to fulfill the requisites of the mining ordenanzas; at least, that is generally the question in controversy.

I did not consider it strange that my testimony would be required with regard to the specimens, because it sometimes happens that parties resort to that method of showing when the mine was discovered, the first discoverer being always preferred.

Q. 161. Have you never read the Ordenanzas de Mineria?

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A. I have, several times.

Q. 162. To which of the ordenanzas would it be possible to make the papers to which you have testified apply, for or against any construction which might be pretended?

A. They might relate to denouncements, or possession, which are general points.

Q. 163. Please explain how specimens and tickets in the Cabinet of Mineralogy of the city of Mexico, and expedientes in the various departments of the Government in that city, could apply to the denouncement or possession of a mine, under the *Ordenanzas de Mineria;* do you not know that they would be wholly irrelevant?

A. When a denouncement is made, and the party asks that it be properly noted or recorded, at a place where there is no Mining Deputation, the judicial authorities at the place are applied to, and the party may present, with his denouncement, specimens of the mineral. My opinion is, that Castillero sent those specimens to Mexico, to show the authorities, from whom he was seeking protection for his mine, that he had discovered it, and as proof of his having complied with the ordenanzas.

I suppose that it was for the same purpose that I was to compare the documents which show the discovery.

Q. 164. By which of the *ordenanzas* do you understand that it is provided that a mine may be denounced before the local judicial officer, in those places where there is no mining deputation?

A. I think it must be in the sixth title, in a note upon the subject of denouncements. Upon looking at the ordenanzas now shown me by the counsel for the United States, I don't find the note to which I refer. I think I have seen such a provision, but at all events, the practice is as I have stated.

Q. 165. In what manner could specimens and tickets in the Cabinet of Mineralogy at the city of Mexico, tend to prove a compliance with the requirements of the ordenanzas in making the denouncement of a mine before a judicial officer in California?

A. That is my inference. I presume that, as he sent those proofs there, he had made similar proofs before the authorities here.

Q. 166. As you were a Professor in the College of Mining, assayer and practical miner, did you not know perfectly well, that any number of specimens in the Cabinet of Mineralogy of the city of Mexico, could have not the slightest effect in the world towards establishing in proof, that an individual had complied with the requisites of the Mining Ordenanzas, in denouncing any species of mine, in any part of the Republic of Mexico?

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A. I know that very well. That would be true as a general statement, without reference to any particular case, but here we are referring to this particular case. I presume that Castillero considered that his having complied with the custom among miners with regard to denouncements, would be proven by the Junta de Fomento ordering an assay of the specimens; this is merely my supposition.

Q. 167. Why did you presume that proof of this nature, wholly unknown to the Mining Ordenanzas, and inadmissible in any other case, would be received in this case of Andres Castillero for the New Almaden mine, and that it was for the purpose of making such proof that you were brought from the city of Mexico at an expense of six thousand dollars?

A. It was not for this only that I came, but also for the purpose of proving the genuineness of the actas of the Junta Facultativa, and the former Junta de Fomento.

With regard to the six thousand dollars, I will state, that it is less than I have received for some other business in which I have been engaged, considering the length of time which I have devoted to it. I would not have come at all, if I had not been solicited to do so.

Q. 168. What I wished to know was, the grounds of your presumption that what you would testify concerning these specimens and tickets in the Cabinet of Mineralogy, would tend to prove that Andres Castillero had complied with the Mining Ordenanzas in denouncing this mine before the Judge in California; and I ask you now, further, how the genuineness of the papers you have just referred to would tend to establish the same point?

A. It was a moral inference or presumption that Castillero did, what I would have done under the circumstances, viz: endeavored to have the denouncement all regular, and take all the proofs of it to the authority or corporation from which I was seeking protection.

With regard to the documents which I compared, they were sufficient, in my opinion, to secure the possession, as soon as the concessions petitioned for were made by the competent authority.

Q. 169. Please express distinctly, what are the concessions you referred to in your last answer?

A. The concessions asked for, in addition to, or over and above the concessions provided for by the Ordenanzas de Mineria. I mean a larger number of pertenencias.

Q. 170. By whom were these concessions to be made?

A. The Government (Gobierno) as representative of the Sovereign, referred to in the Ordinanzas de Mineria.

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Q. 171. After these concessions were made, then it was your understanding that they would amount to a title to Andres Castillero, was it not?

A. Yes, sir.

Q. 172. Then part of your mission here was to prove that some of the papers in the series, by which it is alleged by the claimants that the Government at Mexico had granted to Andres Castillero a title to the mine of New Almaden, were genuine papers, and not forged, was it not?

A. If this is what is to be deduced from my comparisons of those papers, as, in the nature of things, it appears to be, then that is part of my mission; but I did not know what use was to be made of my testimony, whether to prove that, or something else.

Q. 173. You must have had an idea what it was that your testimony was to prove, and you undoubtedly now remember it; please state to me, without qualifications and suppositions, whether, when you left the city of Mexico to come to San Francisco as a witness, you understood that your testimony was to go to prove that Andres Castillero had complied with the requisites of the Mining ordenanzas, and so obtained a good title to the mines before he left California; or to go to prove that he had obtained a title to the same from the Government at the city of Mexico, or both?

[Question objected to by counsel for claimant, for the reason that instead of asking the witness (which would be proper) what fact he supposes he came here to prove, it requires him to say what is the legal effect of those facts.

Counsel for the United States, withdraws the question.]

Q. 174. Do you understand English?

A. A little.

[Counsel for the United States, renews question 173.

Counsel for the claimant renews his objection, and adds, that so long as the counsel for the United States propounds questions to the witness which, in his opinion, are improper, he will make the necessary objection.]

A. I state frankly that I had no idea as to that. I presumed that the suit had originated from omissions of some of the requisites of the Ordenanzas de Mineria, because that is generally what causes lawsuits about mines in Mexico. I left so suddenly, that I had no time to think of the suit until after I set out for this place.

Q. 175. Was it on the journey hither, in company with Mr. Barron and others, that you framed your notions as to what

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was the point of the dispute in this case; I mean the opinions that you have expressed?

A. It was not. It was after I arrived here and visited the mine, and after I saw some papers, that I began to comprehend somewhat of the questions.

Q. 176. Now please specify (that there may be no mistakes) what papers you refer to in your last answer, and what opinions?

A. I refer to a pamphlet, which contains, I believe, printed copies of the documents which I examined in Mexico, and which were presented here by Mr. Bassoco, and which are in evidence in this cause.

When I say, in my last answer, that I began to comprehend the question, I mean that I began to understand what the question in controversy was, and that it was not as to whether the requisites of the Ordenanzas had been complied with. My presumption in Mexico, was, as I have stated before, that the question in dispute was as to some omission of the Mining Ordenanzas.

Q. 177. How was it that, upon visiting the mine, and reading in a printed pamphlet the same papers which you had read, examined, and compared in Mexico, you formed an idea for the first time as to the nature of the issue in this case?

A. Because I came preoccupied with the idea that the question was as to the defects in the denouncement, as I have stated; and when I visited the mine, I examined the map of the hills in which it is situate, and the boundaries of the "pertenencias;" and in conversations upon these points, I ascertained that the question was not as to the boundary of the land, or as to whether the land where the mine is situated belonged to somebody else, but as to whether the title papers were genuine, or not. And, afterwards, I examined the pamphlet here, and then I understood why we had been made to carefully examine those papers in Mexico.

Q. 178. Were there not other papers in that pamphlet, besides the documents that you compared in Mexico; and who was with you when you examined the map and the ground about the mine?

A. The only other papers in the pamphlet, are a letter from the Alcalde at Santa Clara (Pio Pico, I believe) to the Minister, and the certificates to the documents from Mexico.

The person in charge of the Hacienda was with me when I was on the land about the mine, and Mr. Young showed me the map.

Q. 179. Was it not a matter well known and much spoken of in scientific and mining circles, at the city of Mexico, that

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the United States were contesting the right of the claimants to this mine of New Almaden, upon the ground that the alleged title papers existing in the various departments of the government at the city of Mexico, and as to some of which you have testified, were not genuine: And that the United States had obtained an order from the court, putting a stop to the further working of the mine, until the question of the genuineness of these alleged title papers had been tried and determined?

A. I knew nothing of it. When the price of quicksilver rose, we knew that the working of the mine had been suspended, but we did not know who had caused the suspension.

Q. 180. If it had been generally known, in well-informed circles in the city of Mexico, that the United States were contesting the title, and had enjoined the working of this mine against these claimants on this ground, would you not undoubtedly have heard of it yourself?

A. I would not. I had no interest in ascertaining what party had enjoined the working of the mine, nor was there any person of whom I could inquire, as I had no intercourse with the house of Barron, nor any person connected with it.

Q. 181. Have you not sometimes spoken to other persons in the city of Mexico, or heard other persons speaking about this suit, in which the United States and these claimants were contesting the title to the New Almaden mine?

A. I heard people speaking about sending for quicksilver to the Old Almaden mine in Spain, because the price of quicksilver from here had risen. The only conversation I had myself was with an American named Edmondston, from Guaymas. I remember he gave me an erroneous idea, because he told me that the United States Government claimed the mine because it was on public land.

Q. 182. If the claimants in this case, or any other persons well known in the city of Mexico, had reported there that the United States were disputing their title to the New Almaden mine, on the ground that a long series of papers, existing in the various departments of the government at the capital, and purporting to be public acts of the government, were not genuine but forged, and that one of the courts of the United States, upon that presumption, had put a stop provisionally to the further working of the mine by the claimants, would it not have attracted much attention, have been the subject of remark in intelligent circles, and undoubtedly have come to your knowledge?

[Question objected to by counsel for claimant, for the reason that it merely asks the witnesses opinion as to the force of counsel's argument.]

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A. If th e matter had been published as supposed in the question, I would have known it; but nothing is known there of the cause of the suspension, nor by whom it was brought about. We knew only the fact that the working of the mine had been suspended.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, July 27, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 183. If you had known that the Government of the United States was making in a court of justice such grave charges against the faith and credit of the offices of the various Ministries of the Government of Mexico, and the purity and honesty of the officials in charge of the same, would you not have been very much impressed by such a fact, and have been very apt to have spoken of it generally?

[Question objected to by counsel for claimant, for this reason: that it is not sufficiently clear in its meaning to admit an answer. And for the further reason that it is purely hypothetical, so far as understood by him, (i.e. counsel for claimant) inasmuch as it states, that in the suit referred to, the Government of the United States contended that this long series of papers did exist in the archives of Mexico; counsel for the Government in that suit denied the existence of said papers in said archives.

Counsel for the Government denies the genuineness of the documents wherever existing.]

A. Admitting the supposition in the question, and that I had been informed of what is there stated, I probably would have been surprised by it, but as it would be a question which would not affect me, I would not speak of it, pro or con.

Q. 184. Do you not regard it as certain, that every Mexican of intelligence who had any regard for the good name of his country, would have been impressed by such a story, if he had ever heard it, and that it would undoubtedly have been very generally spoken of at the capital?

[Question objected to by counsel for claimant, on the ground that it gives a purely hypothetical statement of facts. In the suit to which the question refers, the counsel for the Govern-

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ment denied that any original papers whatever existed in the Mexican Archives, relating to the title of the defendants in that suit, and took the ground that what purported to be copies of certain original papers alleged by the defendants to exist in the archives, were forgeries made by the defendants; therefore no imputation was made on the character of the Mexican officials, who were alleged by the defendants to have written and signed said original documents of title. The hypothesis set up in the question has originated since that suit.

Counsel for the United States understands the allegation of the United States to be, that the papers in question are forged, and that whether it reflects on the Government of Mexico or not, depends upon the fact, whether the Government of Mexico allege them to be genuine, and to constitute part of their archives.]

A. Supposing that such charges were made and I had heard of them, for my part I would have expressed a wish to see the culprits detected and punished. It is very likely that if such charges had been heard of, they would have been spoken of in society, or referred to in newspapers.

Q. 185. If the United States had been making such charges, and if they had not become the subject of remark in the Capital of Mexico, can you suggest any other explanation, than that those who were aware of the fact, thought proper not to make it known?

[Question objected by counsel for claimant as irrelevant.]

A. Two explanations might be given, according to my notion of the matter: One, that the parties in interest might consider it to their advantage not to publish the matter; and the other, that as the facts are well known in Mexico, and that such charges would be considered entirely without foundation, and that therefore, they would be deemed of too little importance to be generally spoken of.

Q. 186. Were you not very much surprised when, upon reading the printed pamphlet you have spoken of, examining the map of the mine, and reconnoitering the grounds about the mine, you learned that the real question in dispute was not the fulfilment of the requisites of the mining ordenanzas, but the genuineness of the title papers, that Mr. Barron should not have told you this before you left Mexico, or on your way hither?

A. I was not altogether surprised by it, because I supposed that they felt no interest in apprising me of the nature of the cause, nor did I care to inquire into it.

Q. 187. Have you never asked Mr. Barron why he did not inform you of this, before you left Mexico?

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A. I never have. I was not sufficiently familiar with him to ask for any explanation of that sort.

Q. 188. About what time of the year 1846, did General Tornel order the publication of the Anuario, of which you have spoken?

A. There was no Anuario published in that year, and consequently there could have been no order.

Q. 189. Are you certain that there was no such order in that year?

A. I cannot answer as to whether there was an order or not, but it is certain that there was no Anuario published that year.

Q. 190. The reason that I asked you the question was, that I find in the introduction to the Anuario which you produced on your direct examination, the following words, being the commencement of the first sentence, as translated by myself: "This Anuario commenced to be published in the year 1846, by order of the Most Excellent Señor Director of the National College of Mining, Don José Maria Tornel y Mendivil," etc. Do you know nothing of that publication or order?

A. What was printed in 1846, were the lectures delivered in November 1845, just as the lectures delivered in 1848, are printed in the Anuario published in 1849, and which I have produced. The lectures delivered in 1846 were not printed except as I have stated before.

Q. 191. In your answer to question 189, you say, "but it is certain that there was no Anuario published that year" (1846); in your last answer you say that what was printed in 1846 were the lectures of 1845, etc. How do you reconcile the two answers?

A. The explanation I have just given reconciles them. I stated that there was no Anuario published in 1846, meaning thereby that the lectures delivered by the professors in that year were not published either in that year or the next year, as is usual.

Q. 192. Did or did not an Anuario issue in the year 1846, containing the discourses of the year 1845?

A. There did.

Q. 193. How then could you have said in answer to question 188, that Tornel could not have given an order in 1846 for the publication of the Anuario?

A. Because, as there was no publication of the lectures of 1846, it was natural that I should infer there was no order, but I do not know whether there was an order or not. I only judge there was none from what I have stated.

Q. 194. But as you say that you know the discourses of 1845 were published in 1846, ought you not rather, by your own

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reasoning, to have inferred that there was an order for the publication of the Anuario in that year?

A. The lectures are collected by the director in November of the year in which they are delivered, and then the order is made for their publication, so that the order for the publication of the lectures of 1845 must have been made in 1845, when the lectures were collected.

Q. 195. Was there such a collection of lectures in 1845; was there such an order made, and if so, by whom, as director?

A. There was such a collection, and there must have been such an order, because they were published in 1846. I don't know who the director was, but I think Tornel was.

Q. 196. As I presume one of your own discourses was of the number published—was it not?—can't you recollect certainly and distinctly who was the Director of the College at that time?

A. I was not Professor of Mineralogy then, and delivered no discourse. Mr. Del Rio was the person who delivered the Lecture on Mineralogy that year. I am almost sure that Tornel was the director at that time.

Q. 197. Is there any circumstance by which you can fix your recollection of the fact that Tornel was the director at that time?

A. Yes, sir, there is: I now remember that it was he who first suggested the collection and publication of the lectures in the form of an Anuario. Before that, they were published in newspapers.

Q. 198. On the contrary, do you not know that Tornel was then in banishment, having been banished by the government of Herrera, and that he did not resume the directorship until afterwards, when Paredes seized upon the government?

A. That may be. The facts are not very fresh in my memory. The fact I have stated about his suggesting the publication of the Anuario is, however, certain, and that is the reason why I supposed he was director.

Q. 199. It is equally certain, is it not, that he gave his suggestion in the form of an order?

A. I don't remember.

Q. 200. Was it in the year 1845, or in the year 1846, that he made that suggestion, in whatever form it may have been expressed?

A. I can't state positively whether it was in 1845 or 1846; but I think it must have been in 1845.

Q. 201. Can you state any more positively, that there was an Anuario published in 1846, containing the discourses of 1845?

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A. I have seen an Anuario, published before this one; but I cannot state positively when it was published.

Q. 202. When was the first Anuario printed, and what was the date of the discourses it contained?

A. I understand, as I stated before, that it must have been in 1846, and that it contained the discourses delivered in 1845.

Q. 203. Why were not the discourses of 1846 printed in an Anuario in 1847?

A. Because in that year there was no Anuario published, owing, as I understand, to the political condition of the country.

Q. 204. What was there in the political condition of the country that prevented the publication of an Anuario?

A. The permanent director, I believe, was out of the College, and the director *ad interim* incurs no extraordinary expenses. This publication is an extraordinary expense.

Q. 205. How so, if the publication is to be made every year?

A. It is not made every year, although it is called by the name of Anuario. When it was commenced, the intention was to publish it every year; but it has happened that it could not be done.

Q. 206. Is there anything in the constitution of the College, its charter, or its laws, which prevents the Director *ad interim* from exercising any one of the powers of the permanent director?

A. There is not, as I understand. The Director *ad interim* declines to incur any extraordinary expenses, because he is not so well advised as to the state of the funds as the permanent director.

Q. 207. Could not either of them, at any moment, inform himself of the state of the funds?

A. Yes, but the Director *ad interim* could not ascertain what charges there were against the fund for books or apparatus coming from Europe, or for other things.

Q. 208. Is there not a record kept in the College of all those charges—an account of debits as well as credits?

A. There is a person called a Mayor-domo who has charge of those accounts. It sometimes happens that articles are sent for from Europe which are not paid for till they arrive.

Q. 209. All these things then considered, might not the Director *ad interim*, by referring to the proper officers of the College, have gained just as much knowledge about its finances as the permanent Director could, and have been just as competent in 1847 to order the printing of the Anuario containing the discoveries of 1846?

A. The Director *ad interim* might have ascertained approxi-



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mately the condition of the funds; he probably did, and perhaps found that the funds were not sufficient to justify the outlay. I don't know precisely what his reasons were for not printing it.

Q. 210. Then why did you say anything about the Director *ad interim* not being able to order the printing of the Anuario in the absence of the permanent Director, on account of its being an extraordinary expenditure which he had not the power, or was unwilling, to make?

A. I did not know what the reason was, but I inferred from the considerations which I have stated, that the Director *ad interim* failed to publish it for the reasons I have mentioned, not because he would not have the power, but, being an extraordinary expense, he would leave it to the permanent Director to attend to it.

Q. 211. Why did you go into further particulars, and suggest that he would not have a sufficient knowledge of the state of the finances, and not know the state of payments on contracts abroad, etc., when you afterwards admitted that he would have the same means of informing himself in the College as the permanent Director had?

A. I have been endeavoring to supply the gentleman's demand for information upon matters with which I had nothing to do, and with which I did not come in contact.

I have been making conjectures of what probably would be done, derived from my knowledge of what the practice has been, without being fully acquainted with the particulars.

The fact which I state positively is, that the discourses or lectures delivered in November, 1846, have not been printed, except so much of my discourse in that year as appears in the extracts to which I have already referred.

Q. 212. Is it any more than conjecture that the permanent Director was absent from the College at the time that the Anuario ought to have been published in 1847?

A. What I say is, that the discourses were delivered in November, 1846, and that at that time, the permanent Director was absent, and I do not know of any order made at that time for the publication of them.

Q. 213. Was not the permanent Director in charge in 1847, when the lectures ought to have been printed; and, if yea, what hindered him from making an order for that purpose?

A. I do not remember whether he was or not, but if he was, the conjecture is that there were no funds for that purpose.

Q. 214. Are you not able to say whether, in 1847, General Tornel, the Director of the College in which yon were a Professor, was at his post, or in exile?

A. As General Tornel was absent from his post as Director

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so often, either in banishment or on private business, it is difficult to say whether at a particular time he was acting as Director or not.

Q. 215. In fine, you are not able to assign any cause of your own knowledge why no Anuario was printed in the year 1847, and can offer only conjectures?

A. Yes, sir; it was not a matter I had anything to do with.

Q. 216. Do you not know that it was a fact, that which you have suggested, to the effect that at that time the College was without means to print such a volume?

A. I did not.

Q. 217. In the introduction to this Anuario of 1849, I find the following passage, the translation of which is as follows, as furnished me by the interpreter: "The College building which, at the beginning of 1847, was occupied by the revolutionary bands of that period, near the close of that year was used as a barracks by the invaders, and they have left such odious and bitter memories as might inspire the French poet with a second song to the Cossack's horse. For in reality, the stables of the victor profaned this asylum of the sciences, the tumult and din of arms scarcely left a place for study, and it will ever be worthy of praise, that the Superiors of the College, the professors, and many of the pupils mingling with undisciplined soldiers, with annoyances and frequent interruptions, have been able to devote themselves to those pursuits which pre-suppose the independence, repose, seclusion and quietude, so necessary to the cultivation of the sciences." Have you not a distinct recollection of these circumstances, and do you not regard them as a sufficient explanation why the College had not the means, the inclination or the time to publish a pamphlet containing the annual addresses delivered by the professors in 1846?

A. I think the essential reason why the Annuario was not published at that time, was the want of funds, as the discourses had been made, it was only necessary to print them, and all that was necessary for that purpose was money.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, Cal., July 28, 1859.

Examination resumed from yesterday.

Present: A. C. Peachy, Esq., for claimant, and Edmund Randolph, Esq., for the United States.

Q. 218. Was not the want of funds which prevented the

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printing of this anuario, as pressing a want with all the branches of the Government throughout the year 1847, as it was with the College of Mining?

A. I don't know what the condition of the other branches of the Government was, but I suppose it was not prosperous, owing to the war with the United States. The endowment of the College was reduced during Paredes' administration by a suspension of payments from the Fondo de Azogue.

Q. 219. Was it not notorious, that during the whole of that year the Government was in the greatest want of funds for the most ordinary purposes?

A. It may have been, but as the College had its own private funds, it would not follow that, because the Government had no funds, the College should be unable, from a want of them, to publish the Anuario.

Q. 220. And yet you say that you think the essential reason why the Anuario was not published, was the want of funds. Please state to me distinctly and exactly, what you mean to say on the subject?

A. I mean to say, that if the College had any money to spare, over and above the amount required for its necessary expenses, it would have had the Anuario printed.

Q. 221. Was it not notorious that every branch of the Government, in the year 1847, was equally without any surplus of funds to print public documents of the year 1846, and especially, such public documents as, like the lectures, related to the mines of Mexico?

A. It may have been notorious, but I am not competent to answer with regard to those matters.

The lectures did not always refer directly to mines; each professor delivered a lecture upon the particular branch of instruction in which he was engaged.

Q. 222. Did not this want of funds for public purposes of every description become much more pressing after the Government moved to Queretaro, and was it not notorious that they had no funds to be applied to such purposes as printing public documents of the year 1846?

A. I am unable to state anything with regard to the government funds.

Q. 223. Was not the College in still greater lack of funds after that event, or was it in a state of complete destitution, both before and after?

A. The condition of the funds of the College was the same, before and after the removal of the Government to Queretaro. After the reduction of its funds during the administration of Paredes, they remained undiminished, as near as I can judge

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from the regularity with which the salaries of the professors were paid.

Q. 224. What was the nature and extent of that reduction by Paredes, and when did he make it?

A. I desire to state beforehand, that I was not acquainted with the facts of this matter, and that the only person who would be likely to know them, would be the person who was then Director of the College—either permanent Director or Director *ad interim*. If the gentleman wishes, I will state my recollection of the matter, which is confused and indistinct, and in which I may fall into errors.

Q. 225. Please give me all the recollections you have about it, under your oath of course?

A. I cannot swear to matters with regard to which I may be mistaken.

Q. 226. Are you unable to swear to a recollection of anything that occurred about it?

A. I can swear that the nature of the reduction was, that the payment made to the College out of the Fondo de Azogue was suspended, and then the Fondo Dotal paid a portion of the amount which had been paid by the Fondo de Azogue.

Q. 227. Can you not remember the month in which this reduction was made?

A. I cannot.

Q. 228. How is it then that you can remember the month in which you received the specimens that you deposited in the Cabinet of Mineralogy, and wrote the inscriptions for the same?

A. Because I was professor of the class having charge of that matter, and it was my duty to write the inscriptions, and a number of circumstances connected together, remind me of the facts; those circumstances are, that I was Secretary of the Junta Facultativa, and author of the Acta which treated of those specimens; as a miner I had given the country information of what had been done, with regard to explorations for quicksilver mines, up to October, 1845; and as those explorations gave but very slight hopes of the discovery of rich mines, I was naturally surprised, and much pleased, at the discovery of so rich a mine as that of New Almaden; it was therefore natural that I should easily remember that time.

Q. 229. How is it also, that you remember so distinctly the details of the business that was then going on between the Junta de Fomento and Andres Castillero?

A. Because it was intimately connected with what I have just stated.

Q. 230. Ought not your professorship in the College, your connection with the mining business of the country, and espe-

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cially your solicitude about quicksilver mines, and your associations with the Junta de Fomento, especially in this business of Andres Castillero, to make you remember equally well the date and other circumstances connected with the entire suspension of the payments from the Fondo de Azogue, which occurred about that period?

A. I, as professor, was not directly affected by the suspension, because the payments for the classes continued as before. I felt an interest in it on account of its effect upon the mining business of the country, but not to such an extent as to be able to remember its date.

Q. 231. Out of what fund ought the printing of the Anuario to have been paid for, if it had been printed in 1847?

A. I cannot answer that precisely, because it is the duty of the Director to know out of what fund a particular expense is to be paid. I suppose it would have been paid out of any surplus that might have remained.

Q. 232. In the year 1846, when the Anuario was printed, containing the discourses of 1845, was there any surplus fund, belonging to the college; if yea, state exactly what you mean by a surplus, remaining after what expenses were paid?

A. It is not for me to answer that question either; the person who could answer it, would be the Director, or the Mayordomo who keeps the accounts, but I suppose there was a surplus fund. By surplus (sobrante) I mean the funds which remain after salaries of professors, and the expenses of furnishing food and clothing for the students, purchasing books and instruments, and other incidental expenses, were paid.

Q. 233. Will the books of the college show the fact whenever one of these Anuarios was printed, how much it cost, etc.?

A. Yes, sir. The accounts kept by the Mayordomo show it.

Q. 234. Have you here a copy of the Anuario printed in 1846, if not, where can I find it?

A. I have not a copy here, but I have one at home in Mexico, and there are many in the College Library.

Q. 235. In what year was the next Anuario printed, after this one of 1846?

A. In 1849, a copy of which is here.

Q. 236. And when after that, and so on up to the present time?

A. There has been none since that printed in 1849. That was the last; since then the lectures have been published in the newspapers.

Q. 237. Do the books in the college show the fact of this Anuario of 1849, being printed, the cost, etc.?

A. The accounts kept by the Mayordomo must show it.

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Q. 238. Who was Mayordomo in 1846, and is he still living —who in 1849 and is he still living?

A. In 1846, the person who had theretofore been Mayordomo was discharged; his name was Miguel Moso, and he is still living; I am not certain whether it was in 1846 or 1847, that he was discharged, but after his discharge, Mr. Balcarcel and myself discharged the duties of Mayordomo, until the present one was appointed. The present Mayordomo held that situation in 1849, I believe, and his name is Antonio Colomo.

Q. 239. Was it in your time that the printing of the Anuario, of 1846, was paid for; did you enter the facts in the books of account in the College?

A. It was not; it was probably in Moso's time.

Q. 240. From all that you stated, I gather that this publication, that you call an Anuario, is not printed annually, but only when the College has a surplus fund on hand, and the Director thinks proper to make a special ordor for the printing of the same; further, that only two numbers ever were printed— one in 1846, and one in 1849. Do I state your testimony correctly?

A. You do.

Q. 241. Will you please look at this Anuario, and refer me, if you can, to any passage in the same which will fix the time when you received the specimens of cinnabar from this mine, at the Cabinet of Mineralogy; the person by whom you received them; the time at which you wrote the tickets; or the time of the arrival of Andres Castillero in the city of Mexico?

A. The object of referring to the matter in this discourse, was to give the miners information of the discovery, and consequently none of those things would be found in this Anuario.

Q. 242. Are all the notes of your lecture delivered in 1846, as contained in this Anuario, literal extracts from the manuscript of said lecture, as written out by yourself?

A. They are. If there is any change, it is merely a change in the phraseology, not in substance.

Q. 243. Have you got the whole of the manuscript of that lecture with you? if so, please produce it.

A. The manuscript was taken by the Director the same year in which I delivered the lecture, and I have no copy here.

Q. 244. Is that manuscript now one of the public documents of the College, and a part of the public archives of the same; and if so, where and in whose keeping is it to be found?

A. It was taken by the Director, Mr. Moral, and he must have placed it in the archives of the College, which are now in charge of the present Secretary, by virtue of a very recent regulation upon the subject.

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Q. 245. When did you see that manuscript last; do you know whether it is in the archives of the College at all; have you ever seen it there?

A. I have not seen it since the Director took it.

Q. 246. Did you not take a copy of it, or some portion of it, before you gave it to the Director?

A. I kept the rough draft or borrador of it; it must be among my papers.

Q. 247. When did you see that borrador last?

A. I saw it about the beginning of this year, when I was looking for an acta of the Junta Facultativa, to which I have before referred.

Q. 248. Do you remember ever having seen that borrador before, from the time when you gave the manuscript of the lecture to the Director of the College?

A. I don't remember having seen it at any other time after the Director took the manuscript of the lectures; I remember having seen it on this occasion, because I was looking for the acta to which I have referred before.

Q. 249. Can you swear that this borrador was an exact literal copy of the manuscript lecture, which you delivered to the Director?

A. It is the original from which a clean copy was taken, and which copy was taken by the Director.

Q. 250. Might you not possibly have made some changes in the matter, arrangement, or phraseology of the borrador, when you wrote out the fair manuscript for the delivery to the Director?

A. I did not.

Q. 251. Then, as you have amongst your private papers an exact copy of the whole lecture or address, delivered by you in 1846, why did you not bring it with you?

A. I did not suppose it was necessary to bring it here.

Q. 252. Did it not occur to you as reasonable and probable, that if one party to this suit wanted extracts from that lecture or address, that the other party would wish to see the whole of it?

A. It did not, nor was it ever suggested to me.

Q. 253. Did you ever, before leaving Mexico, inform Mr. Barron or Mr. Pardo that you had that borrador?

A. I never spoke a word to them about it, nor did I think of bringing this Anuario myself either, until the person who took my place in the College (who had been a pupil of mine) reminded me that it contained parts of my lecture. The name of the person to whom I allude is Prospero Goyzueta. It was only after that, that it occurred to me to make a present of a copy of the Anuario to Mr. Pardo.

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Q. 254. After you had done that, did Mr. Pardo, Mr. Barron, or anybody else, ask you for your copy of the whole of this lecture or address?

A. I did not speak to anybody on the subject. There was not another word about it.

Q. 255. Do you remember any other occasion on which anybody asked you for, or you had occasion to see, this borrador, or copy, of your lecture?

A. No, sir.

Q. 256. When, and from what, did you copy the extracts from that lecture or address, printed in this Anuario?

A. I took them from the original borrador in 1848.

Q. 257. When, and from what, did you obtain the extracts from your address of 1846, in order to incorporate them with the lecture which you were about to deliver in 1848, and which you say was printed in this Anuario?

A. I took this from the original borrador of the discourse of 1846.

Q. 258. Of what borrador are you speaking?

A. Of the first one.

Q. 259. The same which you say you have now among your private papers in Mexico, spoken of before?

A. Yes.

Q. 260. Then how was it, that you just now said that you could remember no occasion on which you had looked at this borrador, from 1846, when the lecture was delivered, up to the beginning of the present year?

Is it possible that you could have forgotten that you had looked at it, and made these extracts from it, in 1848?

A. I had forgotten it, but I now remember it. It would have been impossible for me to have got the extracts from anything but that. I had forgotten it, but that does not change the facts. The very questions put to me by the gentleman remind me of the facts.

Q. 261. Do you remember to have seen your lecture of 1848 until it was brought to your attention by Prospero Goyzueta; and if so, when, and in what form?

A. I corrected the proofs of it, and saw it in the Anuario afterwards. This must have been about the beginning of 1849.

Q. 262. When, after that, until Goyzueta showed it to you in this Anuario?

A. I had occasion to see it several times, in its printed form, when speaking to the class about (criaderos en vetas) deposits in veins.

Q. 263. Do you remember having had your attention called to this Appendix of Extracts from your lecture of 1846; and

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if so, by whom, when, and under what circumstances, up to the time that Goyzueta called your attention to them, as you have above stated?

A. I don't remember that there was any special reasons for calling my attention to them, nor that my attention was called to them.

Q. 264. How long before you left Mexico was it, that Goyzueta called your attention to those extracts?

A. It was about the month of April when he learned that I intended to come here, and when I was in the meeting-room looking for the actas which I had not signed—I mean the Secretaria, the room in which the archives are now kept.

Q. 265. Up to that time, had you never spoken to Mr. Barron, Mr. Pardo, or others, about these extracts from your lecture of 1846, appended to your lecture of 1848?

A. No, sir.

Q. 266. I suppose, therefore, that you had not recollected, up to that time, that they were to be found there, had you?

A. I knew they were there, and I would have remembered it easily, if I had tried. It was casually that Goyzueta reminded me of it. I cannot now remember whether it had occurred to me before or not.

Q. 267. If you had happened to think of these extracts before, would you not certainly have mentioned it to Mr. Barron, seeing that you were already under an engagement to come to California to testify?

A. It was before I had agreed to come, that Goyzueta spoke to me about it.

Q. 268. How can that be, when in answer to question 264 you say, that it was after Goyzueta learned that you intended to come here, and when you were looking for actas remaining unsigned by you, among which I suppose was that of the 24th March, (April), 1846, which you have produced here as part of your evidence?

A. I don't see any contradiction in that. I was spoken to about coming a month or a month and a half before I agreed to come—before there was any definite arrangement, and during that time the director learned that I might come. The archives were being arranged, and he required that I should sign the actas which remained unsigned, and it was after that I agreed to come. It was after I had agreed to come that I gave an Anuario to Mr. Pardo.

Q. 269. During the interval of a month or six weeks, between the time you were first spoken to about coming, and the time that Gayzueta called your attention to the Anuario, you had not spoken to Mr. Barron or others about those extracts?

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A. I had not spoken to any one.

Q. 270. Where did you obtain this copy of the Anuario, which you gave to Mr. Pardo?

A. I obtained it from the College Library, where there are still a great number of them.

Q. 271. Is this the same copy which you gave to Mr. Pardo?

A. I gave him two. I don't know whether this is one of them or not.

Q. 272. Did you give Mr. Pardo the same copy that Goyzueta showed you?

A. Goyzueta did not show me any copy, he merely told me that I had mentioned the matter in my lecture.

Q. 273. For what purpose was a number of the Anuarios kept, and deposited in the College?

A. It is usual to deposit in the College Library a large number of the works published by the professor, and they are afterwards distributed to the pupils as they are required. There were some of these Anuarios also for sale in some of the book stores.

Q. 274. How can you swear, that this pamphlet called an Anuario, which I hold in my hand, was not printed in the year 1859, instead of the year 1849?

A. I swear that it was printed in 1849 because I know it, and it could be proved by the testimony of all the pupils who have had occasion to examine it since it was published.

When students of mineralogy have completed their studies they usually take a copy of it with them.

Q. 275. You did not print this pamphlet yourself, did you?

A. No sir.

Q. 276. You have not kept it in your own possession ever since it was printed, have you?

A. No sir.

Q. 277. How then can you swear that it was not printed in 1859, and all that relates to the New Almaden Mine inserted at that time?

A. Because I furnished, in 1848, part of the matter of which it is composed; and, as I say in the extracts, the specimens have been deposited since 1846, as all the pupils of that year can prove.

Q. 278. If you had so distinct a recollection of the contents of this Anuario, why did you not think to mention to Mr. Barron, or others, that it contained these extracts about the New Almaden Mine, until after Goyzueta had spoken to you?

A. Because I was not anxious to come here, and it was for them to find out what could benefit them in their cause, and not for me to make any voluntary statements to them.

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Q. 279. But were you not already sufficiently interested in coming, to be engaged in making preparation to come by signing the actas which lacked your signature, and among them that to which you have testified?

A. It was not at my own suggestion that I signed the actas, but in obedience to the order of my superior. I would have been requested to sign them whether I came here or not, because the archives were then being arranged. With respect to the Acta, it would have made no difference whether I signed it or not, because all the Actas of that year show that I was Secretary, and it is customary for the Secretary and Director to sign all the Actas.

Q. 280. Do you wish me to understand that your signing the Acta of the 24th March (April) 1846, had no connection with any intention on your part of coming up here, to testify concerning the said Acta in this case?

A. It had not.

Q. 281. Were you Secretary of the Junta Facultativa in any other year than 1846; if so, when?

A. I remember that I was Secretary of that Junta three times, in 1846, in 1853, and last year (1858).

Q. 282. Did you in April last put your signature to any of the Actas of the last year; if so, how many; and to how many, or about how many, of the year 1846?

A. I did not sign any Actas of the years 1858 or 1853 at that time. I did then sign about eight Actas of the year 1846.

Q. 283. How could you venture to sign an official paper thirteen years after it was written. How could you know that forged or altered papers were not put off on you as papers of the year 1846?

A. In the first place, because I was bound to do so at the request of my superior, and because I was confident that no one could have any interest to change or forge those papers; also, because in reading the Actas I recognized my own work, what I done myself; also, because those papers were part of the archives of a scientific body which could have no connection with lawsuits.

Q. 284. Please refer me to a law or regulation which authorizes the Director to require a Professor to act as Secretary thirteen years after he had gone out of office, and to sign papers which had been written some ten or twelve years before that Director came into office. Also, explain, if you can, why you had not been required to sign these papers a long time before, especially in the years 1853 and 1858, when you again held the office of Secretary?

A. I think if I had the last law upon the subject, or even the

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old law, I could show an article which requires the Professors to obey the orders of the Director. (I think the last law was made in December last, and published in January of this year; the old law, I believe was made in 1843.)

It is necessary to observe that it was by accident that I failed to sign those Actas, and because, owing to political occurrences, the Directors changed frequently, some taking the escribiente off with them, and others not; and the Actas which I drew up were legalized by being approved by a majority of the members, and signed by the Director, though some were not signed by me. When I signed the Actas which remained unsigned by me, I merely supplied an omission, but did not act as Secretary at all.

With regard to the latter part of the question, I would say that the Directors change very frequently, and the work of arranging the archives commenced by one, would not be continued by the next, so that it was only when the present Director took charge of the archives, that they were thoroughly arranged.

My signature is not wanting to any of the Actas of 1853 and 1858, because such accidents and political events did not happen in those years.

Q. 285. Notwithstanding the laws of 1853 and 1858, and everything that you have just said, don't you think that you might have safely disregarded the order of the new Director to sign the old Actas; and that, as a man of the most ordinary prudence, you ought to have done so, lest you might be lending your name to authenticate a false document?

A. In the first place, a refusal might have had injurious results to me, because the Government, being one of extraordinary powers, might have said I should sign, or leave the College; and, in the next place, I had not the least hesitation in signing, because our Actas are the records of a scientific body, which neither I, nor anybody else in the College, could doubt; and, as I recognized it when I signed it as my own work, something which I had done myself, I could have no hesitation in signing it, and did not consider it imprudent to do so.

Q. 286. Why might not interested parties forge those documents, as well as anything else, if they could be made to serve their purposes as evidence?

A. It is the first time that the records of the Junta have been used as evidence, and therefore I could not have suspected anything of the kind before.

Q. 287. How was it possible for you to recognize the short notes of the proceedings of a certain session of the Junta Facultativa as having been drawn up by yourself, and not by any

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other person, especially when it was not in your own handwriting, and all this after the lapse of thirteen years?

A. Because it was signed by Mr. Moral; because that meeting of the Junta impressed itself upon my mind for the reasons I have already given; and, finally, because I recognized the composition (redaccion) of the Acta as my own, and also the words which I had added at the instance of the Director.

Q. 288. Can you explain to me what is the peculiarity of the style by which you can recognize a few lines of your composition, written thirteen years ago, on a subject like this, of the Acta in question, and in another man's handwriting:

And, further, by what means you were able to assure yourself that the other seven Actas of that year not relating, as I suppose, at all to the New Almaden mine, were also of your own composition?

A. It is very difficult to specify any peculiarities of style of composition, but I did remember some of the words which I had used in the Acta, (*i. e.*, the Acta of 1846,) I remembered these words, "Conforme a lo que ya se habia praeticado."

The proofs which I had with regard to the other actas were, the signature of the director, the matters which they treated of, and the composition.

Q. 289. Why might not any other man have written the words which you refer to, as well as yourself?

A. Because it is a peculiarity of my style to use the word "conforme" frequently.

Q. 290. As you remembered those actas well enough to sign them under those circumstances, possibly you may still remember them sufficiently distinctly to be able to say what was the subject-matter of each of the other seven, and about what dates they were respectively; if you can, please do so briefly.

A. It is difficult for me to state what they each refer to, and the date of them. I did not examine them as closely as I did this one, because I did not compare them with traced copies, as I did this; but one of them relates to the competition for the professorship of the preparatory class; another, about proposed reforms in the regulations of the College. These are the two which occur to me now. I cannot remember the others without time to think of them.

The first one I spoke of must be dated in January, 1846, I think. I don't remember the date of the other.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., July 29, 1859.

Examination resumed from yesterday.

Present: A. C. Peachy, Esq., for claimant; and Edmund Randolph, Esq., for the United States.

Q. 291. Please look as those documents, filed as Exhibits in this case, and explain to me what is the meaning of these slips of paper attached to them, with certain names written upon them, among which I find your own; I mean those Exhibits which you compared in Mexico, and those on which you have been examined.

A. After we had made the comparison, Mr. Pardo requested us to sign our names to those pieces of paper, and we did so; we also wrote the dates upon them as requested; the date on those papers is the day on which we made the comparison which I have already described on my direct examination.

Cross-examination closed.

DIRECT EXAMINATION RESUMED.

Q. 292. You have said that you had in your possession, in Mexico, the borrador or rough draft of the discourse you delivered in 1846, certain extracts from which, relating to specimens of lead and cinnabar discovered in California by Andres Castillero, were appended to the discourse you delivered in the year 1848, which was printed and published in 1849: If the Government of the United States should desire that, to introduce in evidence in this case the whole of your discourse of the year 1846, would you submit the said borrador to the inspection of the Government, and permit the Government to take a copy of it, to be so used?

[Question objected to by counsel for the United States, as irrelevant.]

A. I will submit all that I have of it; I am not certain that it is now complete. After a work is printed, of course one does not pay any attention to a borrador. The Government can have all that there is of it.

Q. 293. Do you think that the Director of the College would object to the Government of the United States taking a copy of the manuscript of that discourse, which you handed to the director in 1846, if the Government desired such a copy, to be used in this case?

[Question objected to by counsel for the United States, as irrelevant.]

A. I think he would not, because he has shown a great willingness to allow all the papers relating to this matter to be inspected; and I think that no individual or corporation would

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find him unwilling to exhibit any papers in his custody, relating to mines.

Q. 294. The counsel for the Government seems to think that the pamphlet offered in this case by the claimant, purporting to be the Anuario of the College, printed in 1849, might have been printed in 1859. You have said that some copies of that Anuario have been distributed among the students of the College; that some of them are for sale at the bookstores in Mexico; and that many of them still exist in the National College of Mining in Mexico: do you think that the Director of the College, or any other person having authority in the matter, would permit an agent of the Government of the United States to examine the copies in the library, for the purpose of comparing them with the copy which has been offered by the claimant?

[Question objected by counsel for the United States, as irrelevant.]

A. I am morally certain that it would be allowed, because, as I stated before, in all matters which relate to the subject of mines, the College allows free access to everything in its possession.

Q. 295. You have said, that, on leaving Mexico in April last, to come to California, your professorship was to be filled during your absence by Señor Prospero Goyzueta: is he the person whose name appears on the Register of the Alumni, who in 1846 finished the study of mineralogy and mechanics as applied to the working of mines, as the said Register is printed on page 7 of the Anuario of 1849?

[Question objected to by counsel for the United States, as irrelevant.]

A. He is.

Q. 296. In the introduction to the anuario of 1848, I find the words which may be rendered into English as follows: "Another wise man, Señor Don Andrés del Rio, has died, after having taught for many years, in the College, the most interesting of our sciences, with great reputation to himself and to the establishment which numbers him among its illustrious founders." Is the person thus referred to the Señor del Rio to whose chair of mineralogy you succeeded in January, 1846?

[Question objected to as irrelevant, by counsel for the United States.]

A. He is the same gentleman, who was also a member of the Scientific Institute of Paris, and of the Geological Society of either Washington or Philadelphia.

Q. 297. In the same introduction, I find another sentence

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which may be rendered into English as follows: "The College, and science, have to lament the loss of that pure and wise man, Don Tomas Ramon del Moral, whose admirable life has ended, leaving for its glory, works and scholars, which confer upon it great honors." Is the person thus referred to, the same Don Tomas Ramon del Moral, who, shortly after your appointment to the professorship of mineralogy, viz: about April, 1846, presented to you, for the cabinet of minerals, certain specimens of cinnabar from a mine in California, which had been sent to Mexico by its discoverer, Andres Castillero?

[Question objected to by counsel for the United States, as irrelevant.]

A. He is the same gentleman, and was also a member of one of the geological societies of the United States.

CROSS EXAMINATION RESUMED.

Q. 298. What time of the year, in 1849, did Mr. Del Rio die?

A. About the middle of the year.

Q. 299. What time of the year was this Anuario printed?

A. I don't remember, but it must have been after the death of Mr. del Rio.

Q. 300. What delayed so long the printing of the lectures of 1848?

A. I don't know.

Q. 301. What position did Mr. del Rio hold at the time of his death?

A. He was permanent (propietario) Professor of Mineralogy, and I was his substitute.

Q. 302. Then you did not succeed to his chair in 1846?

A. No. I was his substitute. He was then engaged in writing a work, a supplement to his work on mineralogy. I then took charge of the class in his stead. He had obtained permission from the Government to withdraw from the class.

Q. 303. Why did he not deliver the annual lecture in 1848?

A. Because, after he had finished his supplement, he obtained what we call his jubilacion; the meaning of which is, that when employés of the Government, who have been a long time in its service, and became too old to discharge the duties of their stations, they are allowed to retire, and continue to receive from the Government their salaries in full. I have discharged the duties of professor in the class since 1846, and upon his death, I became the professor propietario.

Q. 304. What law authorizes the appointment of substitute professors in the College, and the retirement of the principals on a pension?

A. I don't know what law it is, but it may be provided for



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in the law of 1843, or in the old statutes of the College itself.

Q. 305. As Señor Moral had been dead since 1847, why was his eulogy introduced in the introduction to the pamphlet printed as late as 1849; and why was it not mentioned rather in the discourses themselves of 1848?

A. It will be seen by reference to the discourse of his successor, Mr. Salazar, and the professor of physics, Don Manuel R. de Tejada, delivered in 1848, that his death is referred to in both of them.

Q. 306. That being so, what was the use of introducing it again in that introduction, and by whom was that introduction written?

A. I don't know who the author of that introduction was, but I know that he was not one of the professors; he probably did not take the trouble to look into what the professors had said.

Q. 307. As it's a mere College publication, who, besides the professors, would have the opportunity or the privilege of writing an introduction to it?

A. Mr. Tornel always gave our lectures to a printer, who was a friend of his, and never asked us to write the introduction.

Deposition closed.

—

SAN FRANCISCO, CAL., August 11, 1859.

Witness desires to correct his answer to question 11, by striking out the word "brought," and inserting in lieu thereof the word "sent," and by striking out the word "granite," and inserting in lieu thereof the word "garnet." Witness stating that his answer as corrected was as originally given.

Witness also desires to correct his answer to question 20th, by stating that, upon reflection, he thinks that the writing referred to in that answer, and which he there states he thinks was written in 1850, by the said Orosco, was written in 1849.

Witness also desires to correct his answer to question 178, by stating that the person whom he refers to therein as Alcalde, was Governor, and not Alcalde.

ANTº DEL CASTILLO.

Sworn to, and subscribed August 11, 1859, before me.

W. H. CHEVERS,
U. S. Commissioner.

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NOTE BY THE COMMISSIONER.—The witness signs his deposition at this date, because the interpreter has hitherto been engaged interpreting for other witnesses in this cause, and has not had time to read over this deposition with the witness until now.

August 11, 1859. W. H. CHEVERS,
U. S. Commissioner.

Filed August 11, 1859.
W. H. CHEVERS, Clerk.

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## EXHIBIT CASTILLO NO. 1, W. H. C.

RESUMEN DE LOS TRABAJOS QUE SOBRE RECONOCIMIENTOS DE CRIADEROS Y MINAS DE AZOGUE SE PRACTICARON EL AÑO DE 1844, BAJO LA DIRECCION DE LA JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

Formado por Antonio del Castillo, Ingeniero de Minas. Quien lo dedica á la misma Junta, como homenage del bien que ha procurado á la Mineria del pais, impulsando el laboreo de los Criaderos y Minas de Azogue de nuestro suelo.

Mexico. Imprenta de la Sociedad Literaria, Calle de Santa Clara núm. 23. 1845.

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## RESUMEN

*De los Trabajos que sobre Reconocimientos de Criaderos y Minas de Azogue, se practicaron el Año de* 1844.

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### INTRODUCCION.

Proponiendome entrar en algunos pormenores sobre el estado que hoy guarda la explotacion de los criaderos de azogue de la república, como naciente ramo de especulacion de nuestra industria minera, me impulsa el deseo de añadir al conocimiento que ya se tiene del asunto, el poco fruto que pueda producir la investigacion de su parte científica, à fin de consolidar en la presente administracion, las razones en que puedan fundarse todas las probabilidades de que México llegará á extraer de su propio suelo, el Mercurio necesario á su consumo.

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Para este propósito, he tomado de las personas mas juiciosas, así como de algunos autores, las instrucciones y citas mas convenientes, con el objeto de presentar todas las garantías posibles, de la circunspeccion con que he procurado apoyar medidas de interes público y de prosperidad nacional.

Comenzaré desde luego por esas sábias reflexiones que nos dejó el Baron de Humboldt, tan importantes en el objeto que va á ocuparnos: "La prosperidad de la colonia, decia, depende esencialmente de la prosperidad de las minas. Estas no han, sin embargo, contenido los progresos de la agricultura y de la industria, tanto como pudiera creerse. Cierto es, que los capitales que se consagran para negociaciones de minas y los brazos que en ellas se ocupan, podian aplicarse á nuevos desmontes; pero tambien la existencia de una negociacion nueva, vivifica todo el pais que la rodea: se levantan á su rededor ciudades populosas y ricos sembrados, que subsisten aun despues que el empobrecimiento de la mina ha hecho abandonar los trabajos y trasportado á los mineros á otros distritos."

El Baron de Humboldt, cree, pues, que las minas han acelerado mas bien que retardado, el progreso de la agricultura é industria en México. He observado que los lugares en que los campos están mas bien cultivados y en donde la industria tiene mas actividad, son precisamente los que contienen las mas ricas minas. "No obstante, desagradable es, decia, el que la colonia no pueda subvenir á sus necesidades y á su lujo, sino con el producto de sus minas, que se halla expuesto, como ha sucedido ya, á sufrir grandes diminuciones por las guerras marítimas. La experiencia sin duda, ilustrará á los mexicanos sobre sus verdaderos intereses, y les enseñará por consiguiente á extraer de su propio suelo, el hierro, el acero, y el mercurio necesario el trabajo de sus minas de plata (1)."

El Baron de Humboldt predecia ya entonces, que la experiencia nos mostraria la necesidad en que estamos de extraer de nuestro propio suelo, las sustancias necesarias para el trabajo de nuestras minas; puesto que la prosperidad del pais depende esencialmente de la prosperidad de las minas.

Pero, ademas, tenemos en apoyo de esto, el sencillo principio de economía social de que "un estado cualquiera que sea, debe extraer de su proprio suelo las sustancias que necesita, aun cuando pudiera adquirirlas de sus vecinos á menos costo; porque entonces se conserva la industria y el numerario circula, mientras que se empobrece al contrario poco á poco, con el pago de las importaciones extrangeras." La consideracion de este simple principio, hizo organizar en Francia, pais muy poco minero, uno sábia administracion política de minas. Pero para

(1) Extractado del Ensayo Politico sobre la Nueva-España.

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México, esta consideracion es todavia de un interes mayor, suquesto que para sostener y conservar el laboreo de sus minas de plata, fuente fecunda de su prosperidad y riqueza, es indispensable el Mercurio, elemento que, como todos sabemos, se importa del extrangero.

Es por otra parte muy natural, el buscar en un pais en que tanto abundan las sustancias minerales, todas aquellas por cuyo medio ó con cuyo auxilio, como el Mercurio y el hierro, se obtienen y extraen el oro y la plata; cuyo producto, segun las expresiones de un autor moderno, "tiene en México un carácter especial, que no perderá por mucho tiempo, y que ninguna analogía guarda con las industrias de las otras naciones (2)."

Por ventura, uno de estos objetos de primera necesidad, el hierro, es materia de grandes especulaciones de particulares, las que ya comienzan à proveer del necesario, no solo á las negociaciones de minas, sino aun á los diversos ramos de la industria manufacturera.

Pero si bien las empresas en ferrerías han presentado ventajas á los particulares para su establecimiento, por la naturaleza de los criaderos de hierro, superficiales y muy abundantes; las de mercurio, por la menor abundancia y corta ley de los criaderos de éste, no son sino el objeto de pigmeas é insubsistentes negociaciones.

Mas como la importancia de este último elemento es de tal naturaleza que, crece ó mengua la producion anual de las minas de plata, segun se disminuye ó aumenta el valor del azogue en el comercio; lo que se prueba con el progresivo aumento que esta produccion tuvo en tiempo del gobierno español, al paso que iba haciendo sucesivamente rabajas en el precio á que daba el azogue, ganando en razon directa del aumento de los productos de oro y plata por los derechos de fisco: está consiguientemente en el interes del gobierno, con mas razon que en el de los particulares, el procurar que el mercurio que en México se consume, se adquiera al menor costo posible.

Y como por otra parte importándolo del extrangero, ademas de la especie de dependencia del capricho político del gobierno de España, á que la república se halla sujeta, tiene esta que pagar actualmente por el subido precio del azogue, casi lo mismo que lo que le producian á la primera en tiempo de su dominacion los derechos de oro y plata; debe resultar necesariamente mas fructuoso á la república extraerlo de su propio territorio, que el importarlo de Europa, aun cuando el gobierno lo consiguiese por medio de contratas: pues no variando [como aun no es probable] las condiciones financieras, no podrá éste obtenerlo sino á un costo subido y por consiguiente no podrá tam-

(2) "De la production des métaux precieux au Mexique." Par S.t Clair Duport. Pág. 376.

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poco hacer en su precio rabajas considerables al expenderlo, ni beneficiar por tanto al pais de una manera equivalente á la primera.

El importarlo del extrangero tiene ademas sus graves inconvenientes; pues puede suponerse, que por una de esas contingencias inauditas, las minas de Almaden en España, de donde nos viene, se empobrezcan, se agoten, se inunden, ó se incendien; en el supuesto cierto de que las otras minas de Mercurio de Europa, las de Idria y el Palatinado, no producen el azogue necesario para el beneficio de minerales por patio en México; ó bien que, á consecuencia de algun acontecimiento político, haya una interrupcion de comunicaciones por las guerras marítimas, ó un bloqueo nuestros puertos, ¿cuál seria entonces la suerte de nuestras minas de plata? Casi su ruina efectiva.

En efecto, si se exceptúa una que otra negociacion de minas cuyos frutos sean propios para el beneficio de fundicion; en casi todas las demas se tendria que suspender en todo ó en parte los trabajos, con pérdidas irreparables para los dueños ó aviadores, y grandes perjuicios para la sociedad y hacienda pública. Pues disminuyéndose considerablemente su produccion anual, el erario no percibiria esas grandes sumas que le dan los derechos de oro y plata, ni el comercio, ni la industria, ni la agricultura, gozarian de esa influencia benéfica de prosperidad, que trae consigo el giro de algunos millones de pesos. La nacion misma se encontraria con la carga de un gran pueblo sin ocupacion, y con la miseria y ruina de muchas familias.

Luego si pues "la explotacion de las minas, como dice Mr. Heron de Villefosse, ofrece preciosas ventajas á los estados que las poseen, estas no pueden ser duraderas, sino mientras que una administracion sábia y previsiva no asegure el desarrollo y conservacion de un ramo de industria tan esencialmente diverso de todos los demas (1)."

Necesario es, pues, que la explotacion de los criaderos y minas de azogue de la república, sea empresa del gobierno, no entendiéndose esto en el sentido literal; pues que ministrando el capital necesario para el trabajo de ciertas de ellas, se reserva la facultad ó de trabajarlas por su cuenta, ó en compañia de asociaciones, sin arriesgar en ello grandes sumas; pues por mal que vayan todas las explotaciones, es seguro que han de producir una cantidad de Mercurio tal, que pueda entrar en concurrencia con el azogue extrangero, lo que hará consiguientemente bajar su precio, de lo que resultará aumentado el producto anual de las minas; de suerte que, si por una parte está expuesto á perder, por la otra es probable se recompense y gane;

(1) "De la Richesse Mineral. Quatriéme partie. Administration politique des mines et usines." Pág. 449, t.° I.

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y esto es poniendo los cosas en el peor estado á que pueden llegar.

Si por el contrario el dia de mañana se alcanzan con las excavaciones de alguna de las minas, un depósito de cinabrio rico y abundante; ó si aun en los criaderos actualmente reconocidos, pobres en ley, pero abundantes y extensos, se establecen aparatos perfectos de destilacion; los recursos que de ellos puede sacar el gobierno así como las ventajas que resultan á los pueblos encontrando medios de ocupacion, son desde luego evidentes.

Por tanto, el fomento y conservacion de este naciente ramo de industria en la minería del pais, pertenece debidamente al gobierno, pues la ventaja financiera de ganar, con el aumento del producto anual de las minas de plata, no la tiene mas que la hacienda pública.

Y tiene bien su lugar aquí, respecto á las empresas mineras que un gobierno pone en movimiento, la memoria de lo que antes eran las minas del Fresnillo, "de cuyo sitio, abandonado en 1827, se podia conservar algun recuerdo, sin formarse ninguna esperanza."

México, Octubre 1.° de 1845.

A. DEL CASTILLO.

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## CONSIDERACIONES DIVERSAS

### SOBRE EL MODO DE APRECIAR LA INPORTANCIA O RIQUEZA RELATIVA DE NUESTROS DEPOSITOS DE CINABRIO, Y CUESTIONES GENERALES RESPECTO DE SU PRODUCCION.

Antes de entrar en la descripcion de los diferentes distritos de criaderos ò minas (1) de azogue de la Repùblica, haremos algunas consideraciones acerca del òrden que nos proponemos adoptar, para facilitar así lo opinion ó juicio que, atendidas diversas condiciones, debemos formar de su importancia.

Por tanto, consideraremos: 1.° La naturaleza de los criaderos; es decir, su formacion geognóstica, la extension y regularidad de las vetas. mantos, capas, ò masas minerales.

2.° La abundancia y ley de los frutos.

3.° Las circunstancias locales favorables al laboreo de las minas; es decia, una situacion ventajosa de éstas, para efectuar su desagüe, ò para la estraccion de sus frutos, abundancia de materiales para la marcha de los trabajos interiores y esteriores de las minas; como madera, hierro, agua, carbon, leña, &c.

Ademas, otras ventajas financieras y económicas, como son el

(1) En mineria se dà el nombe de criaderos, à los depòsitos de sustancias contenidas en la superficie ò interior del globo, sean ò no metàlicas, que tienen un cierto valor, en el comercio. Y el de mina, al conjunto de excavaciones practicadas en un òrden adecuado á la natnraleza del criadero, para disfrutar las sustancias qua lo constituyen.

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alto precio que hoy tiene el azogue; la baratura de los esquilmos indispensables al mantenimiento de una negociacion; el costo de la mano de obra ó jornales; y en fin, la posicion de la empresa de la inmediata á los puntos de consumo.

Por el exámen particular de estas consideraciones en cada distrito, podremos aproximarnos lo mas que sea posible, á la resolucion de las siguientes cuestiones generales:

¿Existen en México criaderos ò minas de azogue susceptibles de proveer las grandes cantidades que de él se consumen anualmente en el beneficio de los minerales por patio?

Y aun suponiendo que no llenen este objeto, ¿aseguran los reconocimientos hechos hasta hoy, de si su explotacion, conducida con economía é inteligencia, será al menos costeable?

Estas cuestiones, que han llamado la atencion del Gobierno y la de los mineros, ocupan exclusivamente la de la Junta de Fomento y Administrativa de Mineria; y aunque en su "Esposicion" ha presentado ya un bosquejo del resultado de los reconocimientos hechos en algunos Departmentos, como por diversos motivos tuvo que limitar mucho la parte cientìfica de ellos, espero acogerá con interés el pequeño trabajo que ahora le presento, como homenage del bien que con empeño ha procurado á la mineria del pais, impulsando fuertemente el "*Laboreo de los criadoros y minas de azogue de nuestro suelo* (1)."

Y no siendo este mas de un *resúmen* de lo practicado con tal objeto por las comisiones nombradas al efecto, cuyos informes me permetió consultar la misma Junta; debo hacer en este lugar una manifestacion pùblica de mi agradecimiento á éste, y del debido elogia que tributo à los Sres. de las comisiones, cuyos conocimientos nos han ilustrado en la materia.

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTMENTO DE MEXICO, EN LA DIVISION QUE MIRA AL SUR.

### CRIADERO DE CHAPITZACO.

Este se encuentra en el cerro del mismo nombre, mina de S. Rafael (2) á 10 leguas S. $\frac{1}{4}$ S. E. de la villa de Chilapa. Su formacion geognóstica es ¿mica pizarra? Es curioso observar en algunas partes de este region, grandes peñascos, bajo la forma de piedras rodadas, como de 100 quintals de peso, compuestos de fragmentos de pórfido, pizarra primitiva y pedazos de cuarzo

(1) La impresion de este trabajo se ha hecho à expensas de la Junta de Fomento y Administrativa de Mineria, del fondo de azogues, con la debida autorizacion del gobierno.

(2) Con el nombre de mina de la Concepcion fue reconocida por el año de 1677, segun se refiere en los Comentarios de Gamboa pàgina 31 pàrrafo 54. Debe entenderse tambien que las minas de "Tlanicuilulco" de que hacen mencion los mismos comentarios, son las diversas catas del cerro de Chapitzaco.

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de 7 á 8 pulgadas de tamaño. Hay dos vetas reconocidas que corren con un rumbo N. P. muy poco inclinadas en su echado.

La matriz de las vetas es á veces cuarzo y otras una especie de brecha formada de fragmentos de pizarra y mica- pizarra, pórfido descompuesto y feldespato, argamasados por una arcilla impura. teñida por el ocre de hierro; en ella se encuentra el cinabrio pulverulento acompañado de abundantes minerales de cobre, los que parece dieron orìgen al laboreo de la mina.

La ley media de los frutos es de 0.25 per 100 y son abundantes.

Las circunstancias locales son favorables. Los jornales son muy baratos, á 2 reales diarios: mas á pesar de esto las minas no son costeables, como puede verse en la demostracion que de ello hacemos en la nota adjunta.

NOTA.—El Sr. Duran, establece segun sus cálculos, que el costo aprocsimado de 500 quintales de mineral, comprendidos todos los gastos vendrá á ser de:.....$207 2 rs.
Así el de 100 quintales sera de,.....41 3½ ,,
que, siendo la ley media de 4 onzas por quintal, producen 400 onzas ò 25 libras, ó un valor de 41 pesos 2 rs., pues el mercurio corre en la plaza á 125 pesos quintal. Se vé, pues, que no hay ganancia ninguna para cubrir el rèdito del capital qne deba emplearse en la habilitacion de la mina.

### CRIADERO DEL HUAMUCHIL.

Este se halla igualmente en el cerro del mismo nombre, á 2 leguas S. E. del pueblo de Ajuchitlan, que dista 80 laguas al S. S. O. de la ciudad de Mexico. Su formacion geognòstica es la arenisca roja. La veta tiene un rumbo de 342° N. P.

El cinabrio pulverulento ó bermellon, se encuentra en el cuerpo de la veta en cintintas angostas, las cuales conducen las mas veces á pequeños depòsitos que llaman *ojos:* ò hablando en términos mineros, el cinabrio *se echa en ojos ò boleo.*

La ley media de los minerales resultò de 3.25 por 100. Los labrados son superficiales y están arruinados. Se halla proyectado un socavon para corta la veta à 162 varas de profundidad y à 116 varas en distancia horizontal, el cual apenas està comenzado. Las otras circunstancias locales son en lo demas algo favorables, asì como algunas ventajas econòmicas.

### CRIADERO DE CANDELARIA.

Está en la falda del mismo cerro de Huamuchil ya citado, como á dos leguas y media al S. E. de Ajuchitlan y cosa de 400 varas abajo del nivel de la mina antigua. Como es la misma montaña del criadero del Huamuchil y el creston de Candelaria viene á quedar al S. O. 169° de la boca de la antigua

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mina del Huamuchil, y los minerales son ademas los mismos, se presume con funda da razon, que si no es la misma veta, es por lo menos de la misma formacion. Los minerales arrancados del creston de ella (en la superficie) dan una ley de 0.50 por 100 ($\frac{1}{2}$ libra por quintal); y como desde luego puede conocerse, los frutos so muy abundantes. Está en iguales circustancias económicas que el anterior criadero.

CRIADERO DE TECUSCO.

Está en el cerro del mismo nombre á una legua al N. E. 86° de Tlalchapa. Es de la misma formacion geognóstica que los anteriores, la cual se estiende en el partido de Ajuchitlan, desde las catas del Huaje en el cerro de Tecusco en el Tlalchapa, hasta el creston de Candelaria, en el cerro del Huamuchil; comprendiendo un espacio de mas de diez leguas de estension, sobre el que se hallan esparcidas infinitas bocas ó catas, con marcas de cinabrio mas ó menos abundantes. Las vetas del criadero que nos ocupa corren de Oriente á Poniente, con echado poco sensible al N. Y el cinabrio está acompañado [como en el criadero de Chapitzaco] de minerales de cobre, cuarzo en la matriz, y de una ley de 0.87 por 100 [14 onzas por quintal].

Todas las escavaciones ó laborcitas son superficiales, y las circunstancias locales y ventajas económicas algo favorables.

Las observaciones que hace la comision, respecto de todos estos criaderos del distrito de Ajuchitlan, son sin duda, las que mas pueden cohonestarse con las circunstancias peculiares de aquel pais.

Propone, pues, á la junta de fomento y administrativa de Minería, el establecimiento de un horno de retortas en el parage mas á propósito, con el fin de propagar los conocimientos precisos para la destilacion del mercurio, que ignoran absolutamente los habitantes, y el de poder organizar un buen laboreo, en las vetas que convenga esplotar; proporcionando ademas la ventaja de que se pueda igualmente rescatar metal, tanto para proveer al horno del suficiente en caso de necesidad, como para dar impulso al trabajo de esa multitud de catas, que quizá el dia de mañana llegarán á dar con una de esas enormes masas minerales de cinabrio, que forman la prosperidad y riqueza de un distrito minero.

MINAS DE PREGONES.

Estas se encuentran en la cuadrilla de Pregones, cerro y minas de Negrilla, á 6 leguas Ueste-Norueste de Tasco. Las vetas arman en caliza de transicion sobre pizarra, la de la mina de Negrilla corre con un rumbo N. E. con 70° de echado al S. E. Es curiosa la formacion de esta veta, porque sus principales frutos son minerales de plata acompañados de cinabrio en masa

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y cristalizado. En el mismo cerro á 60 varas al N. de esta mina se halla la de Santa Gertrudis, cuya veta tiene un rumbo igual, N. E. y echado contrario de 68° próximamente.

La ley de los minerales de la primera mina salió de 0.3125, de los de la segunda 0.25 por 100.

Las labores son de poca profundidad.

Las ventajas económicas son muy favorables para el laboreo de estas minas, por la abundancia de todos los materiales indispensables, y demas circunstancias.

CRIADERO DE TEPEYOPULCO Y CUAXISTENGO. (1).

En la jurisdiccion de Cuernavaca, en un grupo de montañas que está entre la ciudad de este nombre y el pueblo de Miacatlan, se hallan los cerros de Tepeyopulco y Cuaxistengo, que están encadenados con las montañas de Tasco y se componen de las mismas rocas que constituyen los miembros superiories de la formacion de estas: caliza carbonosa sobre arenisca roja antigua en algunas partes, en otras cubre inmediatamente á la caliza de transicion. La caliza de este lugar es llamada vulgarmente en el pais *Texcal.*

El carácter de formacion de estos criaderos es semejante al de otros puntos de la república que se han encontrado en las formaciones del grupo de la arenisca abigarrada. Se reducen á rebozaderos de vetas superficiales, distribuidos irregularmente en la superficie de la montaña: en términos mineros se conocen con el nombre de *bolseo.*

En las sustancias que forman la matriz de las bolsas ó boleos, se encuentran ojitos y venitas de finísimo bermellon; y esto es lo que constituye los minerales ó metales de azogue de ellos. A unas cuantas varas de profundidad desaparecen los vestigios de metal, y aun hasta las señales de vetas.

Por los meses de Febrero á Marzo de 1782, se beneficiaron 147 arrobas de mineral que produjeron 1 arroba 9 libras de azogue: lo que hace una ley de 0.93 por 100. En el mismo año, el 16 de Agosto se beneficiaron 143½ cargas que dieran 15½ arrobas de azogue, le que da una ley de . 0.898 por 100

Ley media . . . . . 0.914

Se comenzaron á labrar estas falsas vetas por Noviembre de 1780, por providencia del Exmo. Sr. virey D. Martin de Mayorga, previo el permiso de la corte de España, á virtud de la grande escasez de azogue que se esperimentaba en el reino. Los trabajos cesaron como á mediados del año de 1782, sin mas productos que las insignificantes porciones de azogue arriba espresadas, y despues de haber agotado todos los recursos del

(1) Los datos comprendidos en esta descripcion están tomados de los informes que el antiguo tribunal de Minería pasaba al virey, sobre el estado de los trabajos que se practicaban en el reconocimiento de estos criaderos.

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arte, para cerciorarse de la naturaleza de dichos criaderos, que como queda visto, son de poca espectativa para grandes empresas mineras. Y conviene por último saber, para completar la descripcion de ellas, que la mayor de las once bocas formadas entonces no llegaba á 15 varas de profundidad. Que ademas, en el mismo cerro de Tepeyopulco y sus inmediaciones, ya se habian practicado por el año 1740, reconocimientos costosos, y suficientes por sus tristes resultados, á no dejar duda alguna, de la insubsistencia, irregularidad y escasez de buenos frutos de estos criaderos. De documentos originales que existen en el archivo de México estractamos lo siguiente.

Un particular llamado Cárlos Bartolomé de Leon, en virtud de un auto proveido por el Sr. D. Pedro Malo de Villavicencio, juez privativo, superintendente y administrador de los reales azogues, remató por arrendamiento, el beneficio de las minas de azogue de la jurisdiccion de Cuernavaca, bajo distintas condiciones, "entre ellas, dice el auto, la de que habia de entregar seis mil quintales en el término mas breve que la prolija operacion lo permitiese, á razon de 21 pesos cada uno, afianzando con la cantidad de 8,000 pesos que exhibiria en reales cada y cuando se le mandara, y que faltando á lo estipulado, habia de quedar esta cantidad á beneficio de la real hacienda con todos los artefactos que se pusieren para que su magestad se sirviera de ellos."....

El citado particular logró en efecto, despues de mil dificultades, contratiempos y crecidos desembolos, formar algunas escavaciones catas, de las que estrajo en poco mas de tres meses, unos 12000 quintales de minerales de toda braza, los que despues de pepenados se redujeron á 300 quintales de metal limpio cuya, ley media no obstante á ser lo mejor de los frutos, no llegaba al 1 por 100. Con tal desengaño y con el de que en las labores desaparecian á unas cuantas varas de profundidad las pintas de metal, rescindió el contrato: despues de haber impendido la suma de 14453$ en todos los trabajos de empresa tan ruinosa.

En consecuencia, el jues privativo, superintendente y administrador de los reales azogues, dictó las providencias necesarias para hacer las correspondientes averiguaciones sobre el resultado del negocio. Y fué todo lo depuesto de conformidad con la declaracion que ante la justicia de Cuernavaca habia hecho el citado Carlos Bartolomé de Leon, en virtud de órdenes superiores y por mandato de ella y cuyo resumen tenemos dado arriba. En el espediente consta tambien que el espresado asentista presentó á la autoridad citada, unas 22 onzas de azogue en caldo, como único resultado obtenido de su desgraciada especulacion.

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Poco tiempo despues dichas catas-minas fueron cegadas é inhabilitadas de órden del misno juez privativo D. Pedro Malo de Villavicencio en 10 de Septiembre de 1740; y á pocos dias de hecho esto, se publicó por bando en la villa de Cuernavaca, la prohibicion de trabajar minas de azogue.

Tal era la historia de las mencionadas minas de la jurisdiccion de Cuernavaca 41 años antes de que se volvieran á trabaja por el gobierno español con los desfavorables resultados que especificamos al principio: historia que es peramos, hará mas discretos á los mineros especuladores actuales, al emprender nuevos reconocimientos ó trabajos en ellas.

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTAMENTO DE JALISCO.

### CRIADERO DE CAPULA.—MINERAL MARTINEZ.

Veinte leguas al Sur de la ciudad de Guadalajara, hay una considerable seranía que se estiende sin interrupcion de Sur-Este á Nor-Ueste, formando la division de las aguas, entre el territorio de la laguna de Chapala, á la que pueden unirse, las de Sayula, Atoyac, Tissapan, &c, y los manantiales del rio de la Almeria, que con una direccion Sur pasa cerca de Colima, y desemboca en el mar Pacífico, 10 leguas al S. S. E. del puerto del Manzanillo. El eje longitudinal de esta serranía, que puede considerarse como la prolongacion de las elevadas llanuras y montañas de Michoacan, se atraviesa en ángulo recto, pasando de la hacienda de Iztipac al pueblo grande de Chiquisistlan, en una estension de 8 leguas, que es la anchura de ella en este paso. Cubierta de espesos bosques, de pinos, robles, y encinas espléndidas; regada de rios perennes y con un clima sano; es ademas, esta serranía, una de las mas ricas en vetas de oro, plata, cobre y hierro. Se compone, segun su caracter de formacion dominante, de rocas de pórfido de base de feldespato y piedra córnea, con cristales del primero, conteniendo, ademas, en la base de los puntos altos, prismas largos de hornblenda.

Al pié meridional de estas montañas, sigue una cadena de cerros de caliza, con una direccion casi paralela á la de éstas, la cual contiene el mineral llamado Martinez, entre los pueblos de Chiquisistlan y Tapalpa, cerca de la pequeña poblacion de Capula. La caliza de estos cerros, parece ser la caliza de montaña ó carbonosa, sobre la que descansa una estensa formacion de arenisca roja, cuyo grueso aumenta hácia el Sur, mientras que al Norte cerca del Saucillo, se occulta bajo capas considerables de caliza, arcilla y marga; y mas al Norte todavia desapareciendo la arenisca, estas capas que se inclinan por término me-

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dio 20° al N. E. y del grueso de algunos pie hasta 12 cada una, descansan inmediatamente sobre la caliza. El espesor de la formacion de caliza, arcilla y marga, no se conoce todavia, porque ninguna escavacion se ha profundizado lo bastante para llegar á la caliza de debajo; á pesar de que esto es muy interesante, por ser esta formacion la que contiene el cinabrio sobre una estension de mas de dos leguas, estando las diferentes capas mas ó menos impregnadas de él; pero con una diferencia muy grande entre las leyes de las diferentes capas: la mas rica es una de barro amarillo, de un pié de ancho, muy penetrada de espato calizo, el cual la vuelve algo compacta; y al contrario, no tiene ni indicios de cinabrio; una capa de arcilla oscura, sobre la que las mas veces descansan las otras blanquizcas y amarillentas.

La arenisca no parece contener metales, mientras que la caliza de montaña contiene, á un cuarto de legua al Norte de Chiquisistan, vetas de plata y cobre que fueron trabajadas antiguamente.

El cinabrio se encuentra pues, usando de los tenemos de los mineros del pais, en *bolsas* de formas muy irregulares, compuesta de sustancias terrosas ò poco compactas, ó bien de un conglomerado de la misma caliza, en fragmentos de mas de una pulgada de tamaño, unidos por una sustancia caliza blanca, agrisada y amarillenta, siempre en estado pulverulento ò de bermellon, en ojos ò cintas entre las sustancias de las bolsas, ò llenado pequeñas oquedades en dicho conglomerado. Estas bolsas, que no están dispuestas en òrden ninguno, pero sí entre las capas antes citadas, afectan formas diversas é irregulares, sin ser de gran volúmen; por lo regular acaban en hilos ò venas muy angostas, sobre las que siguen los mineros sus escavaciones en busca de otras nuevas: las mayores se estienden, por lo comun, mas horizontal que verticalmente, propendiendo á inclinarse al Poniente, por lo que las han querido llamar mantos.

Tal parece que, como si aun estando todavia blandas las capas de la formacion de la caliza carbonasa, se rajasen diferentemente, depositándose en sus cavidades el lodo metalífero de cinabrio que tenia el agua en suspension, con parte de la masa misma de que se componen las capas de la superficie, resultando las vetas superficiales y muy irregulares, que constituyen este criadero.

La ley comun de los minerales puede valuarse en 2·33 por 100, aunque suele ser muchas veces mayor que ésta.

Existen algunos trabajos poco considerables en la mina principal llamada del Manto, que con otras varias catas, Mercurio, Almaden, Refugio, &c. pertenecen á una compañia, que actualmente solo trabaja la primera. Se acompaña un plano de

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los labrados de este mina, con las obras proyectadas por los individuos de la comision (las indicadas por puntos) para cortar todas las capas que dieron metales en el Manto inclinadas al N. E.; pues que por razones de formacion deben existir, en el espacio comprendido en toda la estension de la obra, otras bolsas igualmente ricas y abundantes en metales [*Lam.* 1.ª]

La cata de Almaden se halla sobre una veta aparente de arcilla margosa amarillenta, cuya potencia varia de una á tres varas, con su echado al Poniente bastante fuerte. En el bajo de ella se encuentran regularmente minerales de cobre, como el cobre azul, cobre verde, y á veces cobre sulfúreo. Es de notar, además, que hácia la misma parte se estiende la caliza, y al alto, la arenisca roja, como si fuera un manto ò capa; pero en realidad no es mas que una raja superficial, llena de las sustancias de la formacion antes espresada.

La del Mercurio es de una natnraleza semejante á la precedente.

La del Refugio está sobre una gran capa de arcilla, cuyo rumbo es de S. O. á N. P., con echado al N. O., su potencia varia de una á cuatro varas, y su rumbo es visible en linea recta en la superficie por mas de 200 varas. En la cabeza ò creston, la arcilla está muy cargada de ocre de hierros, y il cinabrio se halla muy diseminando en ella.

Existen ademas, otras pequeñas especulaciones de particulares pobres, trabajadas muy en pequeño, como el Saucillo y el Socorro, con el caracter de formacion geognóstica dominante, ya espresado.

Los particulares y la compaña benefician los frutos de sus minas en aparatos distinos y con pérdidas enormes: y como podemos decir que el arte en este distrito minero está aún en su infancia, será de algun interés describirlos. Comencemos, pues, con el mas tosco: el beneficio ó destilacion en *cántaros*, usado por los particulares.

Abren en la superficie de la tierra en un sitio cualquiera, dos zanjas paralelas, de cuatro á cinco varas de largo, media vara de profundidad, y poco mas ó menos una tercia de ancho: las separa un intermedio macizo de una tercia de grueso, excepto en las esquinas, donde las dos zanjas se reunen formando una escavacion semicircular, que sirve para atizar el *horno*, pues así lo llaman. Se colocan dos órdenes de cántaros en ambas zanjas, apoyando sus asientos contra el macizo intermedio, y la boca sobre el borde esterior de la zanja, dejando huecos hácia abajo para introducir leña. En la boca de cada cántaro va un tubo de barro, el que sirve de recipiente. La capacidad de los cántaros es tal, que pueden contener desde media hasta una arroba: 16 de ellos forman un ôrden. El mineral con que se cargan es

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reducido á gransa [martajado] y el fuego en cada operacion dura de cuatro á seis horas.

Tan tosco [aunque sencillo] como es este método, pues en él se escapan muchos vapores mercuriales, á causa de la materia porosa de que son los cántaros, y de la poca diferencia de temperatura que hay entre ellos y los recipientes, por faltar á éstos el agua para que sirva de refrigerio, me recuerda, no obstante, el llamado "*per tallus*," antiguamente usado [1728] en el Palatinado [1].

La compañia ha puesto en práctica un método mas perfeccionado; pero por desgracia mal dirigido, mal calculado y en nada adecuado á la naturaleza del criadero, que exige por decirlo así, aparatos movibles; pues que los buenos frutos suelen encontrarse muy apartados, unos de otros, en las bolsas ú ojos, que caracteriza su formacion como ya se ha dicho.

Es, pues, un horno construido á imitacion de los de Idria, cuya planta y dibujos se tomaron de la obra de Química aplicada á las artes de M. Dumas. Mas aunque en la construccion se arreglaron estrictamente á los espresados dibujos, el constructor carece del conocimiento de las reglas comunes que se observan en la construccion de hornos en general. Así es que, el material de construccion es mas bien una marga que barro, en forma de anchos adobes, parte de ellos cocidos, y parte crudos; siendo estos últimos los que forman las bóvedas, y los primeros (que despues de quemados se torcieron y encorvaron dando un ladrillo hueco, poroso y nada firme) los conductores, cámaras de condensacion, y demas partes del horno. En consecuencia, despues de la primera destilacion, el horno se rajo todo, las bóvedas se cayeron ó se rajaron tambien, y no obstante esto, se continuaron haciendo en él las destilaciones ò quemas, contentándose con solo tapar las aberturas. De manera que la compañia, despues de impender el considerable gasto de 30.000 pesos en el aparato espresado, beneficiaba por tales motivos, con la gran pérdida de un 73 por 100. Mas todavia de lo que se pierde en el beneficio por cántaros, por el cual se sacan de 100 libras solo 12 onzas (siendo la ley de 2 por 100); o se trabaja con una pérdida de un 62 por 100.

No es estraño, pues, que con tal beneficio, la compañia, cuyo capital primitivo ascendia á 28.000 pesos compuesto de 48 acciones de á 600, hubiese ya gastado hacia principios de Septiembre de 43, 34.113·44; ò 5.313·44 pesos mas que su capital primitivo, pagando por accion 710·69 en lugar de los 600; no obstante á que por espacio de seis meses, de Abril á Agosto de 43 inclusive, se estrajeron de la mina del Manto 2.736 cargas

(1) Véase en el Museo Mexicano tom. 4º núm. 4 un articulo de Ciencias, traducido del "Diccionario de Artes, Manufacturas y Minas, &c. de Andrew Ure" por J. V. de L., en que se describen los diversos métodos de la "destilacion del Mercurio."

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con una ley de 7 libras por carga, lo que dá por riqueza total . . . . . 19.152 libras.
Pero de 17 quemas hechas por este tiempo, solo se sacaron . . . . . 5.015 "

Hubo, pues, una pérdida de . . . . . 14.137 "

O como hemos dicho antes, se hicieron las destilaciones con la enorme pérdida de 73·8 por 100. Así es que, desalentada la compañia con estos resultados, contrato la negociacion con los Sres. Blume y Castaños, quienes concedieron á las 48 acciones un valor de 800 pesos, (mayor del veraadero) comprometiéndose á invertir un capital igual al valor nominal de las 48 acciones; adquiriendo en recompensa, la mitad de las propiedades y derechos de la compañia propietaria.

Este era el estado de la negociacion hasta Mayo de 1844, en que ya se llevaban gastados 4.447·76 pesos del nuevo fondo.

En cuanto á ventajas de situacion, pocos minerales de la república presentarán las que éste para el trabajo de sus minas. Se encuentra en él abundantemente madera de construccion de roble y pino, leña, hierro, que allí mismo se beneficia y adquiere á menos precio (4 pesos quintal) que en cualquier otro mineral: agua para concentracion y demas trabajos, pues hay muchos arroyos y rios que atraviesan aquella serranía, y los esquilmos indispensables á las empresas mineras. Por otra parte, el bajo precio de los jornales de 2 á 4 reales diarios [con lo que viven aquellos mineros mejor que en otras muchas partes con un peso] es una circunstancia mas que hace concebir fundadas esperanzas, de que una empresa de minas en este distrito, dirigida con inteligencia y economía, pueda satisfacer, en parte, las miras del gobierno que se proponga impulsar el importante ramo de minería; pudiéndose desde luego alegar, respecto de este mineral, que no obstante á lo imperfecto que es hasta ahora el beneficio o destilacion del azogue, los trabajos se han costeado con el 1 por 100 de ley en los frutos.

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### CRIADERO DE SALSIPUEDES EN EL DEPARTAMENTO DE JALISCO, JURISDICCION DE LAGOS.

Cerca de la hacienda del Puesto, en una region compuesta de la sierra llamada de Salsipuedes, en el Oriente, y de Mariquita y Chiringuato, al Poniente y Sur, se encontraron á principios del año pasado [1844] minerales muy ricos de cinabrio. El eje de estra sierra tiene una direccion Sur á Norte, y por sus caracteres geognósticos, parece que viene á ser como la prolongacion de la formacion del pórfido cuarzoso del llano de Pinos en el Norte. Su base, es un feldespato blanco agrisado, que pasa á



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gris, con mucho cuarzo: tiene de comun con los demas pórfidos cuarzosos del pais, el contener ojos, riñones, ó vetas de estaño oxidado [metal de estaño], el que se encuentra tambien en los arroyos, como producto de acarreo en pedazos sueltos arrinonados. Los cerros y elevaciones de la parte de la region comprendida entre el Rincon Grande, el valle de las Aguilas, y la verdadera sierra de Salsipuedes, se compone de una roca blanca de cuarzo que parece subordinada al pórfido agrisado, la cual, á veces, pasa á ser blanca de leche, trasluciente, con algunos puntos claros y lustrosos, de cuarzo trasparente, siendo esta variedad en la que se encuentra el cinabrio: otras, es muy ferruginosa, de un color rojo parduzco, y entonces se vuelve desmoronadiza, pierde su consistencia, y pasa á ser arena roja suelta.

El cinabrio no forma vetas ó mantos, sino que aparece en la roca misma, penetrándola en diferentes puntos, colorando al cuarzo mas ó menos intensamente. A veces se acumula tanto que casi viene á ser puro, formando boleos de un diámetro siempre pequeño, desde una línea hasta un pié. Estos boleos son siempre superficiales, y esparcidos irregularmente: á mas de 12 varas de profundidad desaparecen.

Los minerales, de la principal y mejor mina, la de S. Romualdo, han dado por término medio una ley que no pasa de 12 por 100; aunque pedazos hay, que producen de 50 á 70 por 100.

Sin embargo, en toda la estension como de una legua cuadrada, en donde se han abierto mas de 40 bocas ò catas, no se ha encontrado en mas de 30 de éstas, ni vestigios de cinabrio; siendo una casualidad, que en la citada mina de S. Romualdo, se hayan encontrado bastantes boleos reunidos, para producir en 9 meses cosa de 800 quintales de mineral: pues el producto del resto de ellas no llega á ser, tomado en igual tiempo, ni la décima parte de los minerales de igual ley que ha dado S. Romualdo. En esta última mina, así como en la de Providencia, se han llevado las escavaciones hasta 38 ó 40 varas de profundidad; pero todas en borra; pues, como ya se dijo, se pierden los frutos á las 10 ò 12 varas bajo la superficie.

Este carácter de la formacion en este criadero, no permite el establecimiento de compañias formales para su esplotacion; y así es que, á las actualmente formadas, la comision les da una existencia precaria, pero de entre las cuales, sin embargo, la de S. Romualdo será la única que tendrá una duracion temporal, de algunos años todavia mas de existencia, por las precauciones que para ello se han tomado. Pues la compañia, dueña de ella, ha construido muy regularmente un aparato destilatorio, con el fin de beneficiar, desde luego, cierta existencia de minerales que se ha procurado de antemano, y de un valor capaz de indem-

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nizar el costo del espresado aparato; y ademas beneficiar tambien los frutos que adquirirse pueda por rescate, porque el bajo precio de la leña en aquellos lugares hará muy barato el beneficio, prolongando así, con tal auxilio, la duracion de la existencia de esta compañia, mas que la de las otras.

Como puede ofrecer algun interes á los mineros la construccion del citado aparato, copiamos á continuacion la descripcion que de él hace la comision. "El horno de una construccion particular, dice ésta, es para 50 quintales de metal, cargados en una taza de fierro, que está sobre el fuego é inmediatamente bajo la bóveda del horno, de manera que recibe todo el calor reverberante. Una canal ascendente conduce los vapores á una torre que tiene arriba una bóveda con agujeros, sobre la cual hay agua, que continuamente gotea por los agujeros en la torre. De esta manera se resfrian los vapores y se condensan en gran parte. El agua con las sustancias condensadas, sale por una canal de un declive fuerte en el fondo de la torre, y se reune en dos cámaras grandes para dar lugar á concentrarse á los vapores que aun existan. De ahí entra el agua con el azogue á un cubo, del cual se recoge. Todo el aparato es muy ingenioso, y la dificultad seria que el aire se resfriase tanto en la torre inmediata al horno, que no hubiera la suficiente respiracion para el fuego. ¿Quién no se acuerda de las cámaras de lluvia que construyó Vivian el año de 1821, para la condensacion del humo de los hornos de reverberar metales de cobre? Esta dificultad será disminuida parcialmente en el horno del Puesto, por el declive grande del canal que conduce el agua y el azogue condensado del fondo de la torre; pues el agua debe salir de él con tanta velocidad, que precisamente arrastrará consigo mecánicamente mucho aire, que por el horno debe llegar á la torre.

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DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTAMENTO DE GUANAJUATO.

El cinabrio se encuentra en las diversas localidades de este Departamento, que á continuacion espresamos.

1. Inmediaciones de la hacienda del Rodeo y S. Nicolas del Chapin. La formacion geognòstica de este criadero es el pórfido arcilloso, con cristales de feldespato vidrioso y descompuesto; contiene tambien granos de cuarzo, y laminitas de mica negra agrisada. Sus minerales son cuarzo teñido por cinabrio.

2. Cerro del Pinalillo, á 14 leguas al S. O. de la capital. La formacion de éste, es la arenisca de base arcillosa que contiene fragmentos de piedra pòmez y de pizarra impregnados de oxido de hierro; ademas, cristales muy pequeños de cuarzo. En la

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sobreposicion de las capas se observa, que sobre la arenisca descansa conglomerado, sobre éste, una capa de barro gris ceniciento, y gris amarillento, teñido éste por el oxido de hierro, y sobre el cual está ya la tierra vegetal.—Los minerales los constituye una brecha de masas de cuarzo, trabadas por una masa arcillosa en que se encuentra el cinabrio, que á veces tambien penetra al cuarzo. La ley de los frutos limpios es de 2·80 por 100.—Las labores están en estado todavia de catas y en actividad. Hay abundancia de leña, barro propio para construir y arenisca para hornos.

3. Mineral de Centeno. Su formacion geognòstica es la arenisca cuarzosa de grano fino. Los hilos de cinabrio en el criadero corren de Norte á Sur en ángulo recto con la direccion de las lajas de la montaña. Respecto de la sobreposicion de las capas, se observa, que sobre la arenisca descansa una capa de piedra alumbrosa ¿pizarra alumbrosa?—La ley de los frutos limpios es de 4·00 por 100. Los trabajos son superficiales, desordenados y están abandonados. Se tiene lo necesario para el trabajo de las minas y beneficio de los minerales.

4. Cerro del Gigante. Las minas están ubicadas en la falda de dicho cerro á 6 leguas Norte Poniente de la capital. Su formacion geognóstica consta principalmente de una capa de arenisca gris amarillenta, estratificada y pôrfido de base arcillosa. Pero se observa en la sobreposicion de las capas, que sobre la arenisca hay una capa de piedras còrnea, y sobre ésta otra de piedra percubierta por una capa de arenisca arcillosa roja, muy blanda en el criadero, dura fuera de él: ésta contiene en su superficie pegaduras de una sustancia carbonosa, que forma en ella y en la capa de esteatita de encima dibujos dendrìticos. En esta capa de esteatita se halla un manto de 2 ó 3 varas de espesor, y de una estension considerable [de cerca de 2 leguas] y sobrepuesto á ella un pórfido de base arcillosa que contiene cristales de feldespato blanco agrisado, granos de esteatia y láminas de mica parda. Existe otro debajo del ya mencionado, y otro á mas profundidad; por lo que convendria atravesarlos con un tiro vertical para reconocerlos.—Los minerales, consisten en una esteatita impregnada de cinabrio y grandes piedras sueltas, ó masas de pedernal y piedra cornea, penetradas de mercurio nativo. La ley de los frutos pepenados es de 4·00 per 100. Las circunstancias de situacion y ventajas particulares del lugar, son favorables á la esplotacion. Las minas están amparadas.

5. Montaña llamada del Toro. A 8 leguas al Norte del Gigante se hallan situadas las minas del Toro, del Capulin y Clavellinas, y las nuevas de Providencia y el Refugio. En la del Toro, la formacion geognóstica es un pórfido arcilloso que contiene granos de cuarzo, y muy poco feldespato. La veta

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atraviesa la loma del Toro con un rumbo N. P.; la montaña está ademas atravesada por varios hilos ô cintas de cinabrio en todas direcciones, ô mas bien en la direccion N. S. unos, y en la de N. P. á S. O. otros.—Los minerales son cuarzo penetrado de cinabrio al que tiñe mas ô menos. La ley de los frutos limpios es de 1·63 por 100. Las minas están abandonadas.

La mina de Providencia se halla situada en el fondo de una cañada, distante como un cuarto de legua al Norte Oriente de la mina del Toro. La roca en que arma la veta es una caliza que alterna con capas de piedra pez, y de arenisca arcilloso roja. La caliza descansa sobre la arenisca, y ésta sobre la piedra pez. La veta tiene un rumbo Norte Poniente, con una ligera inclinacion al Sur Poniente. La ley de los frutos comunes, limpios, es de 4·3 por 100. Los trabajos son apenas catas.

La formacion geognóstica de las otras minas mencionadas arriba, es idéntica á las que se acaban de describir. La última del Refugio está ahora trabajándose; tiene una profundidad de 8 á 10 varas, con frutos comunes de una ley de 2·40 por 100.

6. Mineral de S. Juan de la Chica. La formacion geognóstica de los criaderos de cinabrio que en él se encuentran, es el pórfido arcilloso sobrepuesto á la piedra pez, y cubierto por la caliza sobre la que se halla la tierra vejetal. La veta corre con un rumbo N. P. con echado al S. P. y de un ancho de 2 á 7 varas. El cinabrio está diseminado en la matriz en hilos ricos de grueso muy variable, llegando los mas anchos á tener media pulgada de grueso. La ley de los frutos sube al 8·20 por 100. Una circunstancia particular en esta formacion es que, paralelamente á la veta de azogue, y como á unas 40 varas horizontales, se halla una veta de oro nativo en cuarzo. Por fin, en la mina de que hablamos, hay algunos trabajos viejos arruinados.

7. Cerro del Fraile, distante 3 leguas de S. Juan de la Chica. La formacion de él es el pórfido arcilloso. El mineral es muy escaso y se encuentra en pintas de cinabrio.

8. Lugar llamado Palos Colorados. Esto punto no merece ninguna consideracion. El mineral es cuarzo teñido por cinabrio.

9. Mina de Guadalupe situada en el mineral Targea. La formacion geognóstica del criadero es la caliza alpina, cuyas capas alternan con otras de piedra de toque y betun-pizarra; en la primera y última de estas rocas se encuentran diseminados muy irregularmente, riñones de cinabrio compacto hasta de 8 pulgadas de diámetro, siempre con la matriz de caliza, y á veces con cristales en lo interior, de espato calizo amarillo de cera.—El cinabrio de los riñones es hepático con una ley media de 23·40 por 100. Cuando la comision [1] visitó esta mina,

(1) Compuesta de los Sres. D. Ignacio Alcocer y D. Benito Herrera.

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los labrados eran superficiales y estaba amparada. Opinó que convendria dar un tiro vertical para registrar todas las capas, en busca de la que mas abundara en riñones, ó de algun manto; que ademas dicho tiro era indispensable, en caso de trabajar las minas, para el desague de ellas; pues el agua probablemente seria abundante por las circunstancias locales en que se encuentran.

10. Mineral de S. Pedro de los Pozos. La formacion de los criaderos en este mineral, es tambien la caliza alpina igual á la de Targea. El cinabrio acompañado de oxidos de hierro, se halla en hilos que corren con un rumbo N. P. y echado al S. P.; de un ancho entre una tercia y 2 pulgadas; de una ley de 0·30 en los frutos comunes, y de 2·20 en los frutos limpios. Los trabajos hasta ahora son insignificantes. Las ventajas de localidad no son favorables para el trabajo de las minas, por la escasez de los materiales indispensables al objeto.

Hay, por último, algunas observaciones que hacer sobre los criaderos y minas de azogue, ya descritos del Departamento de Guanajuato, y son: que la imposibilidad que por la naturaleza de las cozas se tiene, para poder presentar un cómputo exacto sobre los costos de estraccion y beneficio de los minerales, hace que se haya preferido calcular mejor la ley, que para costearse necesitan tener los frutos, partiendo de datos fijos que ministren una base para cálculos posteriores, segun el estado que vayan presentando las minas en lo sucesivo. Así, pues, suponiendo que del mineral extraido de una mina, solo la cuarta parte de él sea beneficiable, la ley necesaria para que la mina se costee, atendidos los gastos ordinarios de disfrute, resulta ser de 0.91 (centésimas); en el supuesto de que le azogue corra en la plaza é 125 pesos quintal. Ademas, la comision se espresa así, respecto de la necesidad que hay de emprender algunos trabajos importantes en ellos. "Si en las minas de plata se hubiera observado la regla que hasta ahora se ha querido establecer para las minas de cinabrio, de abandonarlas luego que no producen frutos costeables á la profundidad de 20, de 30 y á lo mas de 60 varas; la repùblica se habria visto, con muy pocas escepciones, privada de aquellas, y de la enorme riqueza que han producido."

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTAMENTO DE S. LUIS POTOSÍ.

### CRIADERO DEL DURAZNO.

El pequeño pueblo del Durazno se halla á 22 leguas S. O. de la capital del Departamento á que pertenece, situado en un

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valle poco extenso, por el que pasa un arroyo que nace en un grupo de montañas, 3 leguas al Sur del mismo pueblo.

La region se compone de un pórfido cuarzoso de base de feldespato, con cristales del primero y de feldespato vidrioso; pórfido que no solamente forma grupos de montañas de poca altura, sino que tambien aparece en los llanos formando el cauce de los arroyos, y se estiende hácia todas partes. Subordinadas á él se encuentran capas de pórfido de base de piedra pez de un color negro, que pasa á verde oscuro por el hidrato silizoso compacto de la pasta á veces, de lustre de cera, y con cristales de feldespato comun amarillento.

En la concavidad, por decirlo asi, que forma el pórfido, y que constituye el pequeño valle, descansa una formacion de depòsito posterior, compuesta de capas de marga y arcilla; cuyas capas unas veces están limitadas por los lados del valle mismo, y otras se estienden hácia sus declives planos. Estas capas cubren un manto de cinabrio á la profundidad media de 15 varas, el que se estiende de Sur Oriente á Norte Poniente de 300 á 350 varas, y en direccion perpendicular á esta, 100 varas ó mas, con el espesor ó grueso de una vara por término medio. Este, en sus límites, está terminado claramente por los bordes del pórfido, ocupando sus espacios mas profundos, como si al tiempo de asentarse las tierras metalíferas, la concavidad ya estaba formada, y estas como mas pesadas se asentaron las primeras ocupando las partes mas bajas; de manera que aunque las capas superiores continuen á veces hácia los declives planos, descansan inmediatamente sobre el pórfido, como se vé en algunas escavaciones antiguas que se hallan situadas con tales circunstancias.

Como segun el resultado de las investigaciones de los individuos nombrados para reconocer este criadero, los Sres. Ernesto Berger y Antonio Blanco, el espresado manto ó capa está enteramente disfrutado, no presentando ahora sino un cúmulo de hundidos y atierres, á consecuencia de algunos trabajos muy desordenados emprendidos posteriormente; siendo ademas una quimera la esperanza de encontrar otro nuevo manto mas abajo, como han pretendido algunos; no entraremos en mas pormenores que el hacer de él una ligera reseña, del orígen de su fama y de las diferentes empresas de que ha sido objeto, hasta llegar á su estado presente.

El Baron de Humboldt dice en su Ensayo político, con respecto á este mineral, lo siguiente: "La mina ha tenido una celebridad grande en el pais, no por su riqueza, que es menor que la de S. Juan de la Chica, sino porque se pudo trabajar á tajo abierto, y porque dabe mucha carga."

Por el año de 90 del siglo pasado, época de su mayor pro-

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duccion, se sacaron en pocos meses 70,000 cargas de minerales de una ley de $\frac{1}{3}$ por 100, que produjeron 700 quintales de azogue; y sin embargo este producto no cubrio los gastos, lo que hizo abandonar la mina, de manera que cuando el Baron de Humboldt la visitó se habia ya anegado y arruinado en parte, y segun su juicio, no habria sido provechoso volver á emprender los trabajos. Mas en aquel tiempo el precio del azogue era de 41 pesos quintal; de suerte que el valor de 700 quintales no importó mas que 28,700 pesos, dando el costo de $3\frac{1}{2}$ reales á la carga de metal, lo que no podia cubrir los gastos de la empresa, que tenia que recibir derrumbes y hacer un desague considerable en la mina, y ademas pagar el combustible necesario al beneficio, á un alto precio.

Poco tiempo despues, habiendo subido el azogue al enorme precio de 150 pesos quintal, primero por la guerro de la Penìnsula, despues por la de independencia en México, y ùltimamente por el monopolio á que está sujeto el azogue europeo, el criadero del Durazno volvió á llamar la attencion de los especuladores.

Al principio no fué trabajado sino por los que en el pais llaman buscones, los que para mantenerse, beneficiaban por el método conocido de cántaros, los pocos metalitos que podian rapiñar con sus escavaciones ruinosas, tumbando de aquì y allí los que encontraban que se habian escapado á los antiguos. Resultò naturalmente de este pernicioso trabajo, que habièndose hundido muchos labrados, se hicieron intransitables otros en los que aun quedaban algunos minerales, que por un trabajo regular hubieran podido disfrutarse.

Posteriormente una compañia formada en S. Luis Potosi emprendió de nuevo por el año de 30, el laboreo de estas minas; se trabajaron al partido, pero al mismo tiempo se hicieron otras obras. Se dió un tiro, se desaguó la mina, se construyeron hornor y se beneficiaban los escasos frutos que los buscones podian estraer. Mas el objeto principal de la empresa no era ya el manto disfrutado, sino que se adelantaban los trabajos en busca de un segundo manto virgen, que suponian debia encontrarse debajo del primero. Para cuyo efecto se trazó el tiro espresado, que despues de profundizado $36\frac{1}{2}$ varas se encontró imperfecto, siendo sus dimensiones en el plan, menores que las que se le dieron arriba comenzando desde el brocal. Un nuevo tiro llamado de Esperanza fué en consecuencia perforado inmediato al anterior, el cual ha llegado ya á la profundidad de 40 varas sin cortar nada. En verdad que todas estos trabajos han sido enteramente inútiles, asì como estravagante la idea de continuarlos; pues por razones geognósticas, una vez llegados al manto, se debiò perder toda esperanza; porque éste no está en el pór-

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fido, sino sobre él, y como se habia llegado á una profundidad en que se habian acabado los caracteres de formacion hácir abajo, encontrándose con el pórfido de formacion mas antigua, no podia ser la continuacion de ellos sino la obra del capricho ó la ignorancia.

La compañia, pues, se ha visto por tales motivos, obligada á paralizar completamente todos sus trabajos en la mina del manto, despues de sufrir una pérdida como de 30.000 pesos, mas el insignificante valor del azogue estraido. Pero, apesar de esto, el Sr. D. Andres Barroeta, encargado de dirigir los negocios de la compañia, no ha dejado de continuar sus esploraciones, y aunque no precisamente en el Durazno, sino un poco mas al Sur en las minas del Pedernal, he conservado hasta ahora una escasa estraccion de azogue. Por lo que pasamos á describir estas últimas.

CRIADERO DEL PEDERNAL.

La loma del Durazno está unida por la parte del Sur á otras de la misma formacion que ella, separadas por hondonadas ò bajìos de corta estension, y limitadas al Oriente per el mismo arroyo que pasa por la falda Norte de la primera. En una de estas lomas, distante de la última cosa de media legua, se halla el criadero citado.

Un gran creston de cuarzo que corre de Oriente á Poniente con su echado al Norte, y que sobresale de la superficie en algunas partes, hasta una altura de 8 varas, ha sido el objeto de los trabajos antiguos y actuales en este punto, sin embargo de que en todo la estension intermedia, está el pórfido atravesado por anchas vetas de cuarzo y jaboncillos (feldespato descompuesto) con pintas de cinabrio.

El creston espresado, de un ancho de 16 varas, se compone de cuarzo compacto blanco agrisado, con muchos puntos transparentes que le dan un aspecto porfidoso, y jaboncillos en abundancia que forman las blanduras de la veta. Està dividido irregularmente por muchas rajas verticales, y el jaboncillo contiene fragmentos de cuarzo envueltos. El cinabrio suele penetrar ò mas bien teñir al cuarzo; pero se encuentra particularmente diseminado en el jaboncillo, ó en forma de hilos ó cintas estremadamente irregulares, que son las que se siguen para formar laboreo. La ley de los frutos es de 7 à 8 libras por carga, ó de 2·5 por 100.

En la estension de esta ancha veta yendo de Poniente á Oriente, se han abierto varias escavaciones con los nombres de mina Blanca, mina de S. Roberto y Mina-Grande; siendo la principal Mina-Grande, donde se ha llegado á 50 varas de profundidad, con un pozo de guia para reconocer la veta, estendiéndose las otras labores á cosa de 35 varas en la horizontal.

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Hay ademas un sobacon llamado de S. Andres, cuya entrado está como á 300 varas al Sur Oriente de la bocamina de Mina-Grande: comienza con un pozo vertical de 9 varas y continúa horizontalmente con direccion á pasar por debajo de los planes de las minas conocidas; sin embargo de que como se encuentra en el bajo de la veta, que es de un pórfido descompuesto, no va á ser de utilidad ninguna. El *cuele* en todas estas minas se hace con barras, y rara vez con cuña y martillo, sin necesidad de barrenos ó cohetes y por consiguiente de pólvora.

La extraccion actualmente (año de 1844) está reducida á cosa de 35 cargas semanarias, las que son trasportadas al Durazno para beneficialas en hornos de cántaros, que por ser algo diferentes de los usados en Capula, pasamos á describirlos rápidamente.

Los hornos son circulares, construidos con adobes, con una puerta abajo, y á la ultura de una vara, aberturas de ventilacion, terminando en figura de pilon hácia arriba. Caben en ellos de 20 á 30 cántaros de la capacidad de una arroba, los que se colocan invertidos sobre ollas llenas de agua, que se encuentran enterradas en el suelo del horno. Las junturas de ambas bocas se tapan con ceniza mojada.

Colocados los cántaros cargados de mineral en la posicion expresada, se llenan los espacios intermedios entre ellos y arriba de ellos hasta las rendijas de ventilacion, con una especie de combustible que produce un calor débil, que llaman mezote (pencas de maguey seco) y se tiene cuidado de cerrar la puerta con ladrillos, á fin de evitar las corrientes de aire qua producirian un fuego activo.

Hecho esto, se enciende por arriba, manteniendo la combustion moderadamente.

Toda la operacion dura 24 horas; por la mañana se colocan los cántaros cargados, y el dia siguente se recoge el producto. Este método es enteramente semejante al mas antiguo de los procedimientos que se han usado en el Palatinado, y que llamaban "*per descensum.*"

El producta total de estas minas desde mediados de Noviembre de 1840 hasta Junio de 1844, asciende á 8274 libras 15 onzas de azogue; pero como no se sabe asertivamente de qué número de cargas de mineral resultó, por no haber sido pesado todo él, no se pueden establecer algunos datos fijos. Sin embargo, suponiendo que en todo el tiempo expresado la marcha de los trabajos se haya mantenido en los mismos términos que hoy, que se obtienen 22 libras de azogue de 77 cántaros cargados con una arroba de mineral, las 8274 libras han debido resultar de 2413 cargas 8 arrobas de minerales. Mas como existen en los estados de la compañia las cantidades de azogue

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enteradas en S. Luis en tres periodos deferentes, puede conocerse, bajo el supuesto advertido, el número de cargas que las produjeron, y además la marcha ó progreso de la produccion, lo que se manifiesta con los datos siguientes.

| | | | | | | Azogue. | | Producido de . . . . |
|---|---|---|---|---|---|---|---|---|
| 1er periodo: | de Noviembre | de 40 | hasta | Julio | de | 43—3444 lib. | 4 onz.— | 1004 carg. 5 arb. |
| 2o „ | „ Agosto | „ 43 | „ | Dbre. | „ | 43—2103 „ | 11 „ | — 613 „ 7 „ |
| 3er „ | „ Enero | „ 44 | „ | Junio | „ | 44—2727 „ | „ | — 795 „ 8 „ |

ò sea metal producidido por mes:

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| En el 1er periodo | 31 | cargas de | mineral | dieron | 107 | lib. | 10 | onz. | de | azogue. |
| „ 2o „ | 132 | „ | 8½ | arb. | 420 | „ | 11 | „ | „ | „ |
| „ 3er „ | 132 | „ | 5⅓ | „ | 454 | „ | 8 | „ | „ | „ |

Se vé pues, que la produccion ha ido aumentando: en el segundo periodo fué cuatro veces mas que en el primero, y el tercero aumentó 8 por 100 en comparacion del segundo.

Se ha sacado por término medio 3½ libras de azogue por carga; pero la ley de ésta es de 7 á 8 libras; de suerte, que del contenido verdadero se ha perdido en la destilacion mas de 50 por 100. Así es que, en el espacio de tres y medio años se han perdido por el beneficio imperfecto cosa de 9,000 libras; es decir, 12600 ps. que importan, dando el valor de 140 ps. al quintal de azogue, segun corre en el comercio. Cantidad mayor que el producto, 11584 ps. del azogue efectivamente vendido.

En fin, la falta de combustible en este mineral es uno de los principales embarazos, así como la falta de madera, en el caso de que se llegase á necesitar para el ademe de las minas: sin embargo, como toda la region presenta la expectativa de una produccion considerable, los individuos de la comision recomiendan coma empresa digna de un gobierno protector, el que se haga un reconocimiento minucioso en todos los crestones que aparecen en la superficie, por medio de catas; como tambien en los bajíos ò concavidades semejantes á la del Durazno, con pozos y tiros; por ser muy probable que se descubran nuevos criaderos como el del Pedernal, ò depòsitos en mantos ô capas como el del Durazno. Es de notas, que el costo de estos reconocimientos, no llegará á importar la corta suma de 4000 ps.

### CRIADERO DEL CARRO.

Se encuentra en la hacienda del Carro, perteneciente al Departamento de S. Luis Potosí, á 18 leguas E. S. E. de la ciudad de Zacatecas, 12 leguas O. N. O. de Pinos y 3 al Norte de los Angeles. A cosa de 2 leguas al Norte de esta hacienda se eleva un grupo de cerros, llamados la serranía de S. Miguel, de conglomerado arcilloso rojo y otros variados colores. Este conglomerado contiene fragmentos de caliza gris oscura, desde una línea hasta 5 pulgadas de diámetro, de piedra de toque, cuarzo blanco agrisado, y rara vez pórfido rojo de base de fel-

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despato. Descansa sobre un pórfido que en la llanura del Carro aparece en lomas largas y aplastadas. Este pórfido, curioso por su estructura, pues siempre se le encuentra ampolloso en profundidad y nunca en la superficie, es de una masa roja oscura hasta rojo rosada, que contiene abundantes cristales de feldespato comun y cuarzo, con las ampollas llenas de tierra verde, y de una sustancia arcillosa vede amarillenta, dura y esponjosa. Las rajas de separacion de este pórfido estan frecuentemente revestidas de hialita, que suele pasar á calcedonia ó semiópalo, á la vez que no es raro encontrar cristales de cuarzo que pasan á hialita.

Probablemente el conglomerado de esta serranía se ha formado con los restos de destruccion de las formaciones de caliza de montaña, arcilla apizarrada y vacia gris, que anteriormente deben haber cubierto gran parte de la estension de estos lugares, habiendo sido ó interrumpidas ó trastornadas por el pórfido. Aun existen en las inmediaciones del Carro, en la sierra de los Angeles, al Sur, la de la Pastoria al Poniente, y aun el llano intermedio, las rocas de cuyos fragmentos está compuesta la pequeña serrania de S. Miguel. En efecto, la formacion de las dos primeras montañas es, capas de caliza carbonosa sobre vacia gris apizarrada, que alterna con arcilla apizarrada; rocas todas que pueden reconocerse en el conglomerado del grupo de cerros de S. Miguel.

A la mitad del declive septentrional del cerro de S. Miguel, pasa una veta con un rumbo 7 h. ½, un echado de 60° Norte y de 1½ varas de anchor; su matriz es baritina, á veces hermosamente cristalizada, cuarzo, guijarro ferrunginoso y marga muy arcillosa blanca rojiza, que contiene mucho cinabrio; tambien suele acompañar á éste el hierro pardo fibroso. Esta veta se estrecho á poca profundidad, reduciéndose á una cinta de cuarzo y baritina solamente del ancho de algunas pulgadas, sin variar de naturaleza en profundidad.

Hay ademas una capa arcillosa con vestigios de cinabrio, de 14 varas de grueso, y con un echado de 16 á 20° S. E. en el conglomerado: sobre ella hay un rebosadero ó depòsito de otras muchas compuestas de caliza margosa y jaboncillos con cinabrio, el que desaparece enteramente á poca profundidad. Se ha esperimentado ademas, que las capas muy ricas en la superficie, se empobrecen hácia lo interior del cerro, confirmando que estos criaderos no son mas que superficiales, y que los puntos ricos de estas capas, se deben buscar hácia las partes escuetas de la montaña.

La ley de los minerales ha llegado al 3 por 100.

Hay un socavon de 210 varas, y un cañon sobre la última capa de que ya se ha hablado, de 230 varas de largo.

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El Sr. Carrera (administrador de la hacienda) que ha trabajado estas minas, construyó un horno de destilacion, el que si bien adolece de algunos defectos, da á conocer el estraordinario talento práctico de su constructor. Es de canteria, de paredes dobles, con 22 cámaras de condensacion, de las cuales la última termina en la chimenea, de manera que no se escapan por ella ningunos vapores. Estas cámaras son de ladrillos bien quemados, y estan revestidas de ollas puestas unas sobre otras para presentar mas superficie, facilitando así la condensacion. Se carga con 280 cargas de mineral, en forma de adobes, por ser terroso. La quema dura 6 dias, y otros tantos necesita el horno para enfriarse, toda la operacion dura 16 dias. El consumo de leña tiene de costo 40 pesos en cada quema.—Los defectos principales del horno son: el que el mineral no descansa sobre arcos como en los hornos de Idria, sino sobre el suelo ó piso, y por consiguente el fuego no le dá por debajo, sino hácia un lado, á manera de los hornos de reverbero: el mucho tiempo que dura la quema á consecuencia de la colocacion del hogar, aumentado del tiempo que por las paredes dobles necesita tambien el horno para enfriarse: y por último, el que en ollas se forma mucho ollin que envuelve muchos globulitos de azogue, lo que causa una pérdida considerable.

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTAMENTO DE ZACATECAS.

### CRIADEROS DE PINOS.

Dos leguas al Poniente de la ciudad de Pinos, en una de esas lomas ó colinas que comienzan en la falda de la gran serranía de este mineral, y que se estienden á alguna distancia por el lado de Poniente, hasta confundirse con el estenso llano que conduce á Zacatecas, á Aguascalientes &c., se hallan los criaderos de cinabrio de que vamos á ocuparnos.

La serranía de Pinos, alta, escarpada y estéril, que parece continuar por un lado hasta el Peñon-Blanco, y por otro hasta la sierra de la Pila y de Mezquitique cerca de S. Luis Potosi, se compone principalmente de pórfido rojo de base de feldespato con cristales del mismo, y rara vez cuarzo. En el cerro mas elevado de todo el grupo (cuesta de la Gallina Gorda) se observan grandes masas de pórfido de base de piedra pez con cristales de feldespato. El pórfido afecta estratificacion en capas delgadas inclinadas 30° al N. E. Tanto en los valles como en los declives de estas montañas, se encuentra sobre el pórfido conglomerado arcilloso rojo, y sobre éste otros de pasta caliza blanquecinos. Los fragmentos de que constan estos conglomerados, son por la mayor parte de caliza gris amarillenta, piedra de toque y

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pórfido. Aquí como en el Carro se ven, pues, los restos de grandes formaciones destruidas probablemente en la aparicion del pórfido, y antes que éste se elevara á su altura presente. Sobre el conglomerado se halla, por último, el *caliche* en capas diferentes, alternando con gruesos bancos de barro, cal y marga.

Señales de estas formaciones se tienen igualmente muy cerca de Pinos al Ueste Sud-Ueste, donde se descubre la caliza cubierta de piedra arenisca gris compacta, sin petrificaciones, conteniendo entre sus capas piedra de toque. Ademas se encuentra otro pórfido diferente del ya descrito, al rededor de la formacion de caliza, el que forma 5 leguas al Nor-Ueste de la ciudad, una pequeña montaña atravesada de vetas de cuarzo con estaño. Se ve, pues, que hubo ademas de la elevacion de la serranía alta de Pinos, otras causas que influyeron en la inclinacion de las capas de caliza.

Como 2½ leguas al Poniente de la ciudad de Pinos, desaparecen la arenisca gris y la caliza, y son sustituidas por capas de diferentes tierras (arcillas, cal y margas) ó jaboncillos con ojos de cinabrio ó penetradas de él en diferentes puntos. El grueso de estas capas en este lugar [criadero de Coyaso] es de mas de 60 varas, y al Sur como á 700 varas de éste, está el de S. Pedro, donde el grueso de las mismas capas no pasa de 15 varas, descansando inmediatamente sobre el pórfido. Este último se descubriò el año de 1844, y se trabaja por el Sr. Carrera, quien habia [de Abril á Julio] estraido ya con 3 paradas 240 cargas de minerales de una ley de 2.50 por 100. A pesar de esto, como las capas que los contienen descansan inmediatamente sobre el pórfido, lo que ya se ha probado con las escavaciones que se han profundizado algo, resulta que estos criaderos no son de grande importancia.

### CRIADERO DE LOS HUAJES.

A poco mas de 20 leguas al Norte de la ciudad de Guadalajara, se halla la hacienda de campo de Sta. Rosa, perteneciente al Departamento de Zacatecas, y formando parte de sus linderos al Sur con Jalisco: 3 leguas al Poniente de esta hacienda y 6 al Sur del mineral del Mezquital del Oro, se encuentra el rancho de los Huajes, al lado derecho del rio Juchipila, poco antes de su confluencia con el rio grande de Santiago.

Las rocas descubiertas en la profundìsima barranca que une el primero al segundo de estos rios, son pórfidos rojos de base de feldespato, que pasa á piedra cornea y almendrillas. En el mismo rancho y sus inmediaciones, este pórfido toma un aspecto parecido mas al pórfido arcilloso, [*Jhonporphyr, Claystone porphyry*] y el cerro que contiene las vetas de este criadero, un cuarto de legua al N. O. del rancho, consta del mismo pórfido.

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Aparece sobre la falda Sur de este cerro, un creston formado de varias cintas de cuarzo, de 2 á 4 dedos de ancho, con diversos echados ó bien paradas, comprendiendo una estension de $2\frac{1}{4}$ á 3 varas de anchura. Su rumbo es de N. E. á S. O. El cinabrio se encuentra principalmente en estas vetitas de cuarzo, y penetrando á veces á la roca de los respaldos hasta ciertas distancias considerables; sucediendo algunas veces que ésta tiene mas ley que las vetitas mismas. Los metales mas ricos se han encontrado en un pórfido terroso de cerca á la superficie, de una ley de 3 por 100; mientras que las cintas metalíferas rara vez dan el 2 per 100: lo comun es 1 por 100.

Por la falda Norte parten de cerca de la cúspide hácia abajo del cerro, una especie de *bordos* redondeados, ó crestones de 3 á 4 varas de espesor, de una longitud indeterminada, y que se perciben por el color de la roca de que se componen [rojo de ladrillo subido], y por su elevacion sobre la superficie de la falda; causando naturalmente en ella pequeñas ondulaciones. Al lado de uno de estos bordos se ha hecho una pequeña escavacion, de la que se sacan fragmentos de la roca cubiertos de pegaduras delgadas de cinabrio de color claro, y que contienen algunas cintas irregulares de espato calizo. Mas hácia la cumbre, estas cintas, que siguen la direccion del creston, son ya mas formales, de 4 á 6 dedos de ancho, y van acompañadas de oxido rojo de hierro en masas, y otros oxidos terrosos del mismo metal.

En esta parte del cerro aun no se ha hecho ningun reconocimiento, y convendria dar un pozo de alguna profundidad, en el punto de reunion que se observa de los dos bordos citados.

Mas á pesar de esto, y del combustible y agua que existen en las cercanias, las vetas son tan angostas é inconstantes, la masa de la roca impregnada de cinabrio de tan corta ley, ademas de la desfavorable posicion topográfica del lugar, que este criadero presenta poca espectativa de llegar á ser objeto de una grande esplotacion de minas.

### CRIADEROS DE SAN COSME Y DE BAÑON.

El primero se encuentra en las inmediaciones [$\frac{1}{4}$ de legua al Oriente] del pueblo del mismo nombre, que dista cosa de 14 leguas al Norte Oriente de Zacatecas, consiste en una veta de cuarzo con pintas de cinabrio puro. Arma en un conglomerado rojo compuesto de fragmentos de caliza negra, piedra de toque y cuarzo compacto, argamasados por una arcilla impura ferruginosa. La veta corre con horas 9 del compas aleman, casi vertical en su echado; parece ser de una estension considerable, pero en la superficie está cubierta de una capa delgada de cascajo que impide reconocerla á largas distancias. Ademas del cuarzo contiene algo de espato calizo como matriz.

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Las catas de Bañon (nombre éste de una hacienda distante de Zacatecas 8 leguas al Oriente) estan en unos cerros de caliza de montaña, cuyas capas alternan á veces con otras de piedra de toque. El rumbo de la veta [aparentemente] es horas 2 del compas, y su inclinacion 30° al Poniente; mas esta no es una veta formal, sino unos ramaleos de cuarzo y arcilla con algun cinabrio, que rellenan las abras superficiales de la montaña, por lo que no merecen consideracion alguna.

MINAS DEL TEQUEZQUITE.—INMEDIACIONES DEL PUEBLO DE MELILLA.

La montaña del Tequezquite que pertenece á la formacion de la arenisca roja, está interrumpida por masas de pórfido de base de feldespato, que sale á la superficie en forma de grandes vetas ó crestones. El grupo de la formacion de la arenisca contiene conglomerado de barro y cal [el que en partes pasa á formar la arenisca pura, y en otras la oolita] y capas estensas de barro rojo. Esta formacion es mas antigua que la de los pórfidos de feldespato, porque entre los fragmentos del conglomerado no se encuentran ni vestigios de pórfido.

Sobre esta formacion, forma el pórfido los puntos culminantes de los cerros mas altos. De una manera semejante y á continnacion de éste, se presenta el pórfido augítico [*Melaphyre*] que pasa á *Mandelstein.*

Las vetas de esta formacion afectan en general un rumbo entre las horas 4 y 8 del compas, de lo cual se deduce que el eje longitudinal del terreno elevado por las masas porfidosas, tien una direccion de Oeste á Este, ò mas exactamente, O. N. O. O. á E. S. E. E. como lo demuestra el plano. [*Lam.* 2.ª]

El professor Hopkins de Cambridge ha demostrado, que á la elevacion de una grande estension de terreno por una fuerza continuada, deben formarse rajas correspondientes á su eje longitudinal, y sobre estas otras perpendiculares á él. Una investigacion exacta y que se estienda hácia el Este y Oeste de Nieves y Melilla, puntos máximos de la sierra madre y su continuacion con la montaña de Nieves, demostrará si se han de considerar las vetas de porfido como rajas longitudinales principales, ò como rajas diagonales subordinadas á las cordilleras meridionales de México.

Del paralelismo entre las vetas de cinabrio del Tequesquite y las vetas principales de pórfido, puede deducirse, que su orígen no sea posterior, sino contemporáneo á la elevacion del pórfido.

Las vetas espresadas, son realmente ramaleos de cuarzo que cortan al conglomerado. La presencia del cinabrio como resultado de sublimacion, y el estar la roca adyacente impregnada

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de él, parece indicar que se elevó de abajo en forma de vapor, y se condensó sobre la piedra compacta bajo la forma globosa, é impregno las masas terrosas. El cinabrio, pues, se halla en vetas en el conglomerado del grupo de la arenisca roja, que está sobre el pórfido, al cual debe probablemente su introduccion en estas rajas (1). Ahora, despues de haberse formado aquel terreno en su fisonomía fundamental, se siguio á la elevacion plutonica de las masas porfidosas, una precipitacion acuosa, que se compone de todas esas capas recientes de caliza, conocida bajo el nombre de *caliche*.

La cubierta general, es en fin, en los valles é inmediaciones del Tequesquite, un barro avenoso, sobre cuyo conocimiento dará mas luz el hallazgo de algunas conchas.

En el centro de un amplio y estenso valle, á menos de una legua al Poniente del pueblo de Melilla, se cruzan la multitud de venas ó cintas de cuarzo de que hemos hablado, sin mucha uniformidad en su rumbo y echado, pudiéndose sin embargo adoptar por rumbo medio el de Norte Oriente 60°, é inclinacion 70° al Norte Poniente. Las hijuelas de cuarzo que en numero por lo menos de 20 comprenden la anchura de 12 varas, son ellas mismas de muy diferente grueso. El cuarzo es la matriz comun, y se le encuentra tanto cristalizado, como en masas, siendo en la primera forma en donde se hallan las mas ricas muestras de cinabrio; el cual está á veces en pegaduras delgadas pasando á masas, las que rellenan entonces los huecos de los cristales del cuarzo, formando chapas gruesas hasta de media pulgada de espesor. Suele hallarse igualmente en pequeños riñones formados por el agrupamiento de cristalitos de superficie rayada; rara vez, con globulitos de mercurio nativo. Hay tambien espato calizo como matriz á veces cristalizado. Las vetillas de cuarzo atraviesan y penetran al conglomerado arcilloso, sumamente cargado de talco espumoso, muy diseminado en muchas partes. Separa á las vetillas de cuarzo una arcilla parduzca, á veces amarillenta penetrada de talco terroso, la que á poca profundidad se halla mezclada con carbonato de cal. Estas tierras son los principales frutos, pues ademas de los pedazos pequeños de cinabrio que suelen contener, estan mas ó menos penetradas de este mineral. Aun la arcilla que argamasa al conglorado, contiene á veces cinabrio pulverulento, y esta circunstancia no solo se verifica en las immediaciones de las vetas, sino que se estiende á muchas varas de distancia hácia los respaldos, pues se le ha encontrado en los pedazos de ellos arrancados á 20 varas retirados de las vetas.

(1) Hemos estractado fielmente la descripcion geológica que da el Sr. Berger de este y otros distritos minerales, apoyàndose en la elevacion de masas plutónicas ó igneas, no obstante á que nosotros discordamos enteramente de estos principios, en razon de que la teoría de calor central, ó de un núcleo encandecente de la tierra, no se puede sostener. Y pensamos que para desimpresionarse de los argumentos que en su favor se citan, basta la esperiencia de algunos años de observacion en las obras subterráneas de las minas profundas.



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La ley media de los frutos [generalmente tierras] es de 2 por 100. La mas alta de las tierras buenas llega à 8 por 100.

Las labores segun se advierte por las obras de cerca á la superficie, son muy regulares: se hallan inundadas; el agua ha subido á 10 varas del brocal del pozo. La profundidad á que se llego en estas minas, segun recientes noticias, fué de 60 varas. Se trabajaron por una compañia inglesa en 1834.— La madera para ademar tiene el mismo precio que en Zacatecas. No hay bastante agua para la concentracion y demas necesidades; el rio de Melilla dista media legua de este lugar.

Suponiendo que los minerales continuaran constantes en profundidad, habria una estraccion semanaria de 500 quintales, ó un producto de 16 quintales de azogue, y suponiendo que á la negociacion le costasen un peso cada 2 libras de azogue, por costos de estraccion y beneficio, dejaria entonces la mina una moderada utilidad, ó cuando menos cubriria los gastos; circunstancia ya apreciable para los que por miras patrióticas, se proponen el fomento de esta clase de empresas.

Al precedente extracto del inferme que sobre las citadas minas del Tequesquite presentarou à la Junta de Fomento los individuous de la comision reconocedora de los criaderos y minas de azogue del Departamento de Zacatecas, Dr. Ernestor Beger y D. Antonio Blanco, conviene añadir la opinion que respecto de él dio el Sr. profesor del Rio á ruego de la misma Junta de fomento, como que ésta fija, por un sano criterio, la verdadera formacion geognóstica à que pertenecen las primeras. Su opinion dice así:

"El Sr. Dr. Berger parece que trata de la arenisca abigarrada [*Bunter Sandstein*], caliza de conchas [*Muchelkalk*] y kéuper ó margas abigarradas, que se han reunido ahora con el nombre de *Trias*, por ser tres, ó de formacion *Poiquilítica* ó de varios colores. . . . . El Trias es rico en sal marina, pero lo que nos piden es azogue." . . . .

—

Las precedentes descripciones, son las de los criaderos de cinco Departamentos principales de la república (no entrando del de México sino la parte de él que mira al Sur) únicos en que ha sido posible hacer efectivas las disposiciones del decreto de 25 de Septiembre de 1843: falta, pues, por reconocer gran parte de la vasta estension de la repùblica, cuya riqueza mineral, con excepcion acaso de las minas de oro y plata, nos es aún desconocida, sin embargo de que ademas de sus ricos depósitos de metales precioses, existen, especialmente en los Departamentos del Norte (Sonora, Sinalao, Chihuahua &c.) muestras de cinabrio puro y azogue nativo, que verosímilente provienen de criaderos ricos y abundantes.

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El interes, por tano, que debe tenerse en esta clase de reconocimientos, se aumenta tanto mas seguros indicios hay en nuestro suelo de la existencia de ricos y abundantes depositos de mercurio.

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COSTIDERACIONES SOBRE LA PRODUCCION ANUAL, Y LA COSTEABILIDAD DEL LABOREO DE NUESTRAS MINAS DE AZOGUE.

Como respecto de la produccion de que son susceptibles nuestros depósitos de cinabrio, no se pueden establecer datos fijos, á consecuencia de la variacion, inconstancia é irregularidad con que se esplotan la mayor parte de ellos, nos contentaremos con presentar aquì un cálculo estimativo del azogue, que en circunstancias favorables estando en actividad los trabajos, han producido en diversas épocas recientes: y, partiendo de este término permítasenos suponer, que la marcha de los trabajos continuase regularmente, y los productos se hicieran constantes, para poder estimar entonces, cual seria la produccion anual de que son capaces.

| | |
|---|---|
| Así pues, sabemos ya que las minas de Capula produjeron por los meses de Abril á Agosto de 43, 5.015 libras: ó por mes. . . . . | 1.003 libras. |
| Mas, la que daban en igual tiempo las cortas especulaciones de los operarios. . . . . | 200 " |
| De la mina de San Rumualdo se extrajeron en nueve meses 800 quintales de mineral, que deben haber producido por su beneficio 9.600 libras: ó por mes [supuesto]. . . . . | 100 " |
| Las minas del Pedernal produjeron de Noviembre de 1840 á Junio de 1844, 8.274 libras 15 onzas: por mes. . . . . | 192 " |
| Las minas del Carro, produjeron por el año de 41, 16,000 libras, y suponiendo que estas hubieran sido obtenidas durante todo el año; saldria por mes. . . . . | 1.333 " |
| De una de las minas de Pinos [San Pedro] se extrajeron en cosa de tres meses, 240 cargas de metal con una ley 2·50 por 100; las que deben haber producido por su beneficio 600 libras: ó por mes. . . . . | 200 " |
| Suma. . . . . | 3.028 " |

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|---|---|---|---|---|
| Por tanto, en tales circunstancias, la produccion estimativa anual, vendria á ser de. . . . . | 363 | quintales | 36 | libras. |
| Mas, es preciso añadir la que por noticias se sabe es actualmente en otros minerales y minas nuevas, como el de Guadalcazar y varias minas de Capula, valuada en: | | | | |
| Minas nuevas en Capula (1). . . | 117 | " | 00 | " |
| Minas de Guadalcazar (2). . . | 1.080 | " | 00 | " |
| Suma total ó produccion estimativa anual. . . . . | 1.560 | " | 36 | " |

Observemos ademas, respecto de esta produccion, que exceptuando el azogue obtenido del Carro Pinos, y el de la mina de San Romualdo [criadero de Salsipuedes], por una buena destilacion de los metales, el de todos los demas distritos es la mitad y aun menos del que realmente contenian los minerales que los produjeron, por la pérdida de mas de un 50 por 100 con que han sido beneficiados en toscos é imperfectísimos aparatos.

| | | | | |
|---|---|---|---|---|
| De modo que, rebajando de la produccion estimativa anual. . . | 1.560 | quintales | 36 | libras. |
| [1.333 † 200 † 100, del Carro, Pinos y Salsipuedes], ó. . . . . | 16 | " | 33 | " |
| Tendrémos por resta. . | 1.544 | " | 3 | " |
| Cuyo duplo, en virtud de la pérdida de un 50 por 100; mas los 16 quintales 33 libras antes espresadas nos dan. . . . . | 2.104 | " | 39 | " |

para la produccion anual estimada por el cálculo en el supuesto primitivo y en el que los minerales fuesen destilados en buenos aparatos.

Se ve, pues, que aunasí, en el supuesto de las circunstancias mas favorables de produccion, esta apenas llega á formar del sexto al séptimo del total del azogue que en México se consume

(1) El Jalisciense de 29 de Agosto de 45 trae algunas noticias sobre el estado y produccion de las minas de azogue del distrito de Capula (Mineral Martinez): las de su produccion son las siguientes:

"En pocos meses dice, se vieron esportar de una sola mina (el Manto) 8.000 libras de azogue.—La mina de S. Benito, produce semanariamente 6 arrobas de azogue: con un aparato de capacidad produciria hoy 600 quintales al año. La veta es de vara y cuarta de ancho.—E. Socorro produce 3 arrobas semanarias."

(2) Se asienta (Siglo XIX 20 de Julio de 45) por carta escrita al Sr. Perez Galvez, que en las minas de azogue de Guadalcázar (Departamento de S. Luis Potosí) se estan estrayendo mensalmente 120 frascos de azogue: estraccion que va en aumento, y que se espera será considerable dentro de poco tiempo.

Como ésta puede creerse exagerada, convendrá espresar, que 120 frascos contienen 90 quintales de azogue, los que, siendo la ley dos y media libras por carga (como dice la carta) deben provenir de 3.600 cargoes ó de una estraccion semanaria de 900 cargas. que facilmente se obtiene en minas nuevas poco profundas. Probablemente la ley verdadera será mayor, y que á consecuencia de un mal beneficio les resulta la de dos y media libras.

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en el beneficio de plata, valuado en 14.065 quintales por el establecimiento de Minería (1).

Si solo hacemos entrar en el cálculo las cantidades de azogue que las minas actualmente en actividad producen y de las que tenemos aproximadamente conocimiento, como las de Capula, Pedernal y Guadalcazar (2), y si valuamos prudentemente las extracciones de los otros distritos en 280 quintales; la produccion efectiva anual resulta de. . . 1,500 quintales,
que seria doble ó de. . . . . 3,000 " si como hemos dicho antes se empleasen buenos aparatos en la destilacion.

Mas de la adopcion de estos en el pais, como las de retortas cilíndricas del Dr. Ure, ó por otro nombre, *aparato hermético ó económico*, ó bien los simples hornos de Galera con retortas de hierro, condensadores y corriente de agua de refrigerio, no solo se debe esperar que la produccion se duplique estrayendo toda la ley á los minerales, sino que, en realidad, esta va á aumentar considerablemente; pues que siendo entonces los frutos pobres mas que costeables por las ventajas de la ninguna pérdida de azogue que con aquellos se consigue, el menor gasto de combustible, el menos costo de jornales, y sobre todo, su trabajo constante y activo, como luego diremos; las negociaciones se multiplicarán, y con tanta mas probabilidad, cuanto que, como precedentemente queda expuesto, la república abunda en criaderos de corta ley, pero abundantes y extensos y de una explotacion fácil.

Pasando la vista por las leyes de sus frutos, encontramos lo siguiente:

| | |
|---|---|
| Riqueza media de los minerales de azogue de México. . . . . | 3.90 por 100 |
| [o bien su riqueza absoluta igual á 0.00390.] | |
| Ley comun de id. . . . . | 2.50 " " |
| Minima comun. . . . . | 1.00 " " |
| Máxima media [Guadalupe Targea]. . . . | 23.40 " " |

"El término medio, dice el Dr. Ure, de las nuestras de cinabrio de Obermoschel (3), son diez veces mas pobres que las de Almaden." Se ha visto por otra parte, que en la república, varias negociaciones se están manteniendo aun con menos del uno por ciento que consiguen extraer de sus metales, [realmente mas ricos] á consecuencia de un beneficio muy imperfecto.

Ahora, un aparato hermético de Ure, tuvo de costo poco mas de mil pesos.—Manteniéndolo constantemente á un grado de calor propio para la decomposicion de los minerales de mer-

(1) Esposicion de la Junta de Fomento y Administrativa de Minería pag. 19.
(2) El Sr. Tovin, que por Septiembre de este año visitó este mineral, calcula la produccion mensal en mas de 100 frascos.
(3) Lugar inmediato á Landsberg donde se mentó el aparato de su invencion.

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curio, puede hacerse una quema en el espacio de tres horas, dirigiéndola hábilmente. De manera, que con relevo de operarios, se pueden hacer en 24 horas 8 quemas de á cinco quintales cada una, si los minerales son pobres (como los de nuestras minas) o de á 12 hasta 20 quintales, con minerales ricos (1).

Segun el Sr. Tovin, la ley de los minerales de Landsberg es de ½ por 100, cuyo beneficio deja, no obstante, una moderada utilidad, sirviendose de las retortas cilìndricas de Ure.

Está, pues, fuera de todo duda, el que la mayor parte de nuestro criadores o minas de azogue, vendrán á ser no solo costeables sino productivos, se en ellos se establecen aparatos perfectos de destilacion.

Afortunadamente se debe ahora al Sr. Perez Galvez el beneficio de la introduccion de estos al pias, pues segun estamos informados, al Sr. Tovin agente suyo, despues de haber exáminado personalmente el aparato de Ure, montado en Landsberg, paso á Londres é hizo construir uno en Glasgow con nuevas mejoras; cuyas piezas actualmente ya estan en la república y en camino para Guadalcazar, segun parece, donde va á ser montado bajo la direccion del mismo Sr. Tovin, quien esperamos lo hará obrar dentro de poco tiempo con buenos resultados.

Asì pues, la esperanza se anima de que los mineros mexicanos, aprovechándose de los adelantos de la ciencia en el perfeccionamiento de la destilacion del azogue, llegarán á su patria un acrecentamiento mas de poder y de riqueza pública!

FINIS.

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(1) Diccionarino de Artes, Manufacturas y Minas etc.—"Mercurio."—Traduccion ya citada.—"Museo Mexicano."—Tom. VI nûm. 4.

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# TABLA DE LOS CRIADEROS Y MINAS DE AZOGUE DE LA REPUBLICA

*Reconocidos el año de* 1844, *en cumplimiento á las disposiciones del Decreto de* 25 *de Septiembre de* 1843. *En la que se espresa su órden de posicion en direccion Sur á Norte, su formacion geognóstica, la ley de sus frutos, su produccion, y épocas en que han sido anteriormente reconocidos ó explotados, ó estado actual.*

| DEPARTAMENTOS. | JURISDICCIONES O MINERALES. | CRIADEROS O MINAS. | FORMACION GEOGNOSTICA. | LEY DE SUS FRUTOS: Produccion y épocas en que han sido reconocidos ó explotados ó estado actual. |
|---|---|---|---|---|
| MEXICO. | J. CHILAPA. | C. CHAPITZACO. | Las vetas arman en Micapizarra. | 0.25 por 100: catas actualmente abandonadas. Fueron explotadas por minas de cobre por el año de 1627, y reconocidas posteriormente el año de 1677. |
| | J. AJUCHITLAN. | M. HUAMUCHIL. | Arenisca roja antigua? | 3.25 „ „ Minas viejas que no se trabajan actualmente. |
| | IDEM. | C. CANDELARIA. | Id., Id. | 0.50 „ „ Criadera actualmente virgen. |
| | J. TLALCHAPA. | C. DE TECUSCO. | Id., Id. | 0.87 „ „ Se explotó por el año de 1750, y posteriormente lo ha sido tambien muy en pequeño. |
| | M. TASCO. | MS. DE PREGONES. | Caliza de transicion. | Hay dos vetas: la de la mina de Negrilla produjo 0.3125 por 100, y 0.25 la de Santa Gertrudis. Esta última fué trabajada por el antiguo tribunal de mineria por el año de 1810; se abandonó por la guerra de independencia. |



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| | | | | |
|---|---|---|---|---|
| | J. Cuernavaca. | Cs. de Tepeyopulco y Cuaxistengo. | Caliza carbonosa ó metalífera? | 0.914 „ „ calculada por el producido del beneficio. Fueron explotadas por el año de 1840 y yosteriormente fueron trabajadas desde Noviembre de 1780 hasta mediados de 1782, por providencia del Exmo. Sr. Virey D. Martin de Mayorga, con intervencion directiva del antiguo tribunal de minería. La produccion fué de 6½ quintales de azogue. |
| JALISCO. | M. Martinez. | Ms. de Capula. | Esta, parece constar de los miembros que forman el grupo de arenisca abigarrada, es decir, margas abigarradas, caliza de conchas, arenisca nueva roja; descansando inmediatamente sobre la caliza carbonosa. | 2.33 por 100 (suele ser mayor á veces). La produccion de este distrito, fué por los meses de Abril á Agosto de 1843, de 50 quintales 15 libras, mas la que produjo la corta extraccion de las especulaciones de los operarios que ascendia á 75 libras semanarias. De manera, que si añadimos á la primera esta, por los cinco meses que duró aquella, hacen 65 quintales 15 libras. Los primeros metales de azogue se descubrieron á fines del siglo pasado. |
| | J. Lagos. | Criadero de Salsipuedes. | La de la serranía es un pórfido rojo antiguo. La del criadero es roca de cuarzo subordinada al póefido. | 12.00 por 100 de los frutos ensayados de la mina de S. Romualdo. En el espacio de nueve meses se extrageron 800 quintales de mineral que deben hacer producido por su beneficio 96 quintales azogue. |

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| | | | | |
|---|---|---|---|---|
| | | Criadero de azogue en las inmediaciones de la hacienda del Rodeo y San Nicolas del Chapin. | Pórfido arcillóso. | Desconocidas. |
| | | Criadero de Pinallillo. | Arenisca de base arcillosa, sobre la que descansan conglomerado, capas de arcilla ó barro, y tierra vegetal. | 2.80 por 100 de los frutos limpios. Las labores en estado de catas en actividad.—No se conoce su produccion. |
| | M. Centeno. | Minas de Centeno. | Arenisca cuarzosa de grano fino, sobre la que descansa una capa de piedra alumbrosa. | 4.00 por 100 de los frutos limpios. Se ignora la época en que han sido trabajadas las minas, hallandose actualmente abandonadas. |
| | | Minas del Gigante. (6 leguas N. P. de la capital.) | Capas de arenisca gris amarillenta y pórfido de base arcillosa. | 4.00 por 100 de los frutos pepenados. Las minas están amparadas. |
| Guanajuato. | Minas de la montana llamada del toro. | Mina del toro. | Pórfido arcilloso que contiene granos de cuarzo. | 1.63 por 100 de los frutos limpios. Mina habilitada por la Junta de Minería |
| | En la misma montana. | Mina de providencia. | Caliza alternando con capas de piedra pez y de arenisca arcillosa roja. La caliza descansa sobre la arenisca, y esta sobre la piedra pez. | 4.3 por 100 de los frutos comunes limpios. La mina en actividad, poco profunda. |
| | San Juan de la Chica. | Minas de S. Juan de la Chica. | Pórfido arcilloso sobrepuesto á la piedra pez y cubierto por la caliza sobre la que se halla la tierra vegetal. | Sube al 8.20 por 100. Minas abandonadas. |
| | M. Targea. | M. de Guadalupe. | Caliza alpina, cuyas capas alternan con otras de piedra de toque y betun-pizarra, segun el Sr. Alcocer. ¿No será mas bien la caliza carbonosa ó metalífera? | Los frutos que son cinabrio epático en riñones, tienen una ley media de 23.40 por 100.—Minas habilitadas actualmente por la Junta de Fomento y administrativa de Mineria. |
| | M. San Pedro de los Pozos. | Minas de Animas, Soledad y S. Rafael | Tambien la caliza alpina igual á la de Targea. | 2.20 por 100 de los frutos limpios. —Minas abandonadas. |

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|---|---|---|---|---|
| | J. de Santa Maria del Rio. | Criadero del Durazno. | La region se compone de un pórfido cuarzoso con trozos subordinados de pórfido de base de piedta pez. Sobre estos descansa en el pequeño valle del Durazno, una formacion de depósito posterior, compuesta de capas de marga y arcilla apizarrada que cubren un manto de cinabrio á la profundidad media de 15 varas. | 0.33 por 100 calculada por el producto obtenido de Azogue.—Al manto se halla enteramente disfrutado.—La época de su mayor produccion, fué por el año 90 del siglo pasado; se sacaron 70,000 cargas de mineral que dieron 700 quintales de Mercurio. |
| | Id., id. | M. del Pedernal. | Los mismos pórfidos del Durazno. | 2.50 por 100.—Extraccion en 1844; 35 cargas semanarias.—Produccion de las minas desde Noviembre de 1840, hasta Junio de 1844; 82 quintales 75 libras que han debido resultar 2.413 cargas 8 arrobas de minerales. Se han beneficiado con pérdida de un 50 por 100. |
| S. LUIS POTOSI. | | Criadero del Carro. | Conglomerado arcilloso rojo y de otros varios colores segun el Sr. Berges. ¿No será el conglomerado nuevo rojo de la columna geológica de las formaciones que en otras partes está sobre el carbon? En este se encuentran capas de arcillas, cal y margas impregnadas algunas de ellas de cinabrio. Rocas que forman los miembros del grupo de la arenisca abigarrada. | La ley de los frutos ha llegado al 3 por 100.—Se hace actualmente una escasa extraccion.—Fue explotado como á mediados del siglo pasado y se mandó tapar de órden del gobierno español, cuando llegó la prohibicion de trabajar minas de Azogue: pero á la sazon ya se habian suspendido los trabajos porque la veta se habia angostado inmediatamente bajo la superficie (á las 6 varas de profundidad.)—Despues se han vuelto á esplotar varias veces, y por el año de 1841 se obtuvo una produccion de 160 quintales de azogue, merced al grande empeño del Sr. D. Rafael Carrera en trabajar Minas de Azogue. |

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| | M. DE PINOS. | CS. DE PINOS. | Los criaderos son gruesas capas de arcillas, cal y margas, de las cuales las eos últimas suelen estar impregnadas de cinabrio, ó todas son atravesadas por hilitos de jaboncillos con cinabrio, que á veces suelen pasar al pórfido de debajo sobre que descansan. El grueso de estas capas es 2½ leguas al Poniente de la Ciudad de Pinos en el criadero de Collaso de mas de 60 varas; y como 700 varas al Sur de este ultimo, en el de S. Pedro, su grueso disminuye á 15 varas. | La ley de los frutos del primero resultó de 1.25 por 100; esta última se descubrió el año de 1844, y por los meses de Abril á Julio, el Sr. Carrera ya tenia estraidas 240 cargas. |
| ZACATECAS. | | C. DE LOS HUAJES. | Pórfido arcilloso subordinado á los pórfidos rojos de base de feldespato. | 1 por 100 de los frutos comunes. Se descubrió por el año de 1831. En el de 40 se practicó un ligero y mal dirigido reconociento sobre una de las vetas por medio de un pozo de diez varas de profundidad. Despues (año de 44) una compañia de Guadaaljara formada por D. Antonio Nieto se disponia á explotarlo. |
| | | MINAS DEL TEQUESQUITE. | Segun el Sr. del Rio debe tenerse por arenisca abigarrada, caliza de conchas, Kéuper ó margas abigarradas. que se han reunido con el nombre de Trias ó de formacion Poiquilítica. | 2.00 por 100 ley media de los frutos que son generalmente tierras.— Las minas están abandonadas é inundadas. Fueron trabajadas sin buen éxito por una compañia inglesa en 1834. |



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# EXHIBIT CASTILLO, No. 2., W. H. C.

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DISCURSO LEIDO

*En los Actos de la Clase de Mineralogia, por el Professor Don Antonio del Castillo, el dia* 17 *de Noviembre de* 1845.

SEÑORES:

En otro tiempo en que las ordenanzas de Minerìa se hallaban en vigor, los profesores de este Colegio deberian presentar de seis en seis meses, segun el art. 12 del Tìt. 18, "una memoria ó disertacion sobre algun asunto útil y conducente á la Minerìa, y perteneciente á las facultades aplicables á este ejercicio;" (son las palabras del testo): las leyes posteriores no tienen ninguna cláusula que les imponga actualmente esta obligacion, y es sin duda por este circunstancia, que se han oido leer en este mismo sitio (*) algunas producciones de profesores, que mas propiamente se pueden llamar piezas literarias que artïculos cientïficos.

Deseando yo cumplir lo mejor que me ha sido posible, con aquellas prevenciones de nuestras sábias ordenanzas, paso á dar lectura á las siguientes instrucciones sobre vetas, que deben considerarse mas bien como un ensayo que podré perfeccionar con el tiempo, que como una memoria acabada que pudiera hacerme algun honor.

—

INSTRUCCIONES SOBRE LAS VETAS METALIFERAS.

CRIADEROS EN VETAS.

Designacion de la voz criadero.

Criadero es una voz genérica admitida en minería para designar los depósitos de sustancias minerales, contenidos en la superficie ó interior del globo, que son objeto de la especulacion del minero.

Diversas especies de criaderos.

Se distinguen desde los que son depósitos superficiales, como las canteras, solfateras ó azufreras, salinas, tequezquiteras, depósitos de tubas, placeres y lavaderos de oro, de platina y de piedras preciosas, hasta las gruesas capas y mantos de carbon mineral, los criaderos irregulares metalíferos en reñones esparcidos, boleo ú ojos, las grandes masas aisladas ó trozos, los cúmulos, y las capas mantos y vetas metaliferas.

[*] Salon de Actos del Colegio Nacional de Mineria.

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La geognosia no da reglas tan fijas para el laboreo de los criaderos metalíferos, como las que determina para el de los criaderos no metalíferos.

La geognosia nos conduce á la determinacion de estos depósitos minerales, por el conocimiento de las rocas en que se encuentran mas generalmente, pues nos enseña las relaciones que con ellas guardan, así como su estructura y carácter particular.

Pero si bien estas relaciones son bastante conocidas y fijas en los criaderos no metalìferos, es decir, que puede el fontaminero pronosticar la profundidad á que ha llevar su horadacion ó pozo artesiano en las formaciones supra-liásicas, por el conocimiento de las capas que vaya atravesando ó que haya estudiado en aquella region geológica, y el esplotador de carbon de piedra determinar de antemano su plan de labores, antes de emprender el disfrute de las capas ó mantos de carbon mineral: el minero no puede con una seguridad tan decidida, marcar y determinar la estension de las obras que trace sobre los indicios de criaderos metalíferos, para llegar á su punto de concentracion mas productivo, ó como los mineros dicen, para alcanzar ó cortar bonazaa.

Se ha escrito mucho sobre el carácter y las relaciones de los criaderos metalíferos con las rocas en que arman, y sobre las que guardan entre sí; pero queda mucho que desear todavia, por la discordancia en que se encuentran todas las instrucciones dadas sobre la materia, esencialmente para los criaderos metalíferos irregulares y los en vetas.

Esta discordancia, y á veces contradiccion ó escepciones muy latas, provienen generalmente de que cada minero, despues del estudio de su localidad respectiva, ó del de una cierta region mineral, quiere hacer estensivas sus observaciones locales á todos demas paises mineros conocidos, aplicándolas como reglas generales.

El conjunto de las descripciones locales, ha dado el conocimiento de los caracteres comunes á una misma especie de criaderos y determinado las reglas prácticas que guian al minero en su laboreo.

Estos esclusivismos, sin embargo, con las diversas teorías que los acompañan sobre la formacion de las vetas, cùmulos y trozos, forman, tomados en conjunto, la descripcion especial de estos criaderos: sirviendo para la deduccion de los caracteres mas notables que fijan su naturaleza: dando á conocer sus formas variadas; los cambios de estas formas: las sustancias que componen su masa: la constancia de asociacion de ellas, que constituye lo que se llama formaciones; y en fin, los fenómenos que se notan en la diversa relacion de las vetas entre sí, cuando se atraviesan, se juntan, se dislocan o guiñan.

Pues bien, la observacion constante de unos mismo fenómenos en el estudio de las vetas, ha determinado ciertas reglas practicas, que no obstante á las aparentes escepciones que á ve-

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ces sufren, son las que guian al minero en la decision de las obras que debe trazar para forma ó perpetuar una mina.

Cámbios de rumbo y echado. Así, por ejemplo, si el minero siguiendo una veta emborrascada variare de rumbo en mas de de 45°, hay lugar á creer que no va ya sobre la misma veta, sino que ha seguido una cinta ó hijuela que se aparta de la veta principal y va á perderse, ó que es una nueva veta sobre la que se encuentra; pues la observacion ha enseñado, que los cambios de rumbo, ó serpenteos de las vetas, no llegan á pasar de esta variacion.

Puede suceder tambien, que la veta se divida en dos ó mas por un intermedio de roca, que llaman caballo, y que los ramales, aunque con rumbo notablemente diverso del rumbo medio de la veta principal, vayan á juntarse á distancia, volviendo á forma una sola veta. Ó bien la veta puede ramificarse de tal modo en cintas, venas, ó hilos, que desaparezca totalmente, no quedando entonces al minero mas arbitrio que el de continuar su escavacion con el rumbo medio general.

Estos diferentes cambios de direccion, ramificacion ó division, que se observa en las vetas, cuando se las sigue en su rumbo, se observa tambien naturalmente cuando se siguen sobre su echado: y del mismo modo que, para hacernos mas claramente cargo de aquellos, referimos la veta al plano que llevará el rumbo medio general; así tambien para determinar los que se verifican sobre el echado, la referimos á un plano que pasará por el echado medio general; resultando de esto, que en caso de perder la veta, ya sea en su rumbo ó sobre su echado, si no hay ninguna otra causa de interrupcion (como la interposicion de otra veta, reliz, ó falla), debe continuarse la escavacion, con el rumbo ó echado que determinen los planos referidos: y si se ramificase sin perderse en rumbo ó echado, ha de seguirse aquel ramal que menos difiera de los mismos planos, es decir, que mas se aproxime al rumbo ó echado medios.

En las vetas angostas son en las que ocurren con mas frecuencia casos, que en las anchas, y en estas últimas llaman los mineros cuerpos de veta á las subdivisiones de una misma, por gruesos intermedios de montaña. Así es como en Guanajuato, por ejemplo, la veta madre tiene tres cuerpos principales, 1.°, 2.° y 3.° cuerpo.

Formaciones y sistemas de vetas. La constancia de asociacion de unas mismas sustancias minerales, ó el que siempre se encuentren juntas, constituye, como ya se dijo antes, lo que se llama formacion; y en lo general se observa que las vetas que corresponden á formaciones iguales ó son de una misma formacion, corren con rumbos y hechas dos paralelos, por lo ménos, en todo el espacio que comprende una misma region metalífera: de

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manera que se podran enumerar en esta, otras tantas formaciones diferentes, cuantos sean los grupos de vestas paralelas que en ella corran con direcciones diversas.

Y se concibe desde luego, que estos grupos de vetas paralelas, á que se da el nombre de sistemas, llevando distintos rumbos, deben presentar en un mismo distrito mineral, multitud de cruzamientos, reuniones y dislocamientos parciales y generales, de muchas de las vetas que las forman; dando lugar á dificiles problemas respecto al mejor y mas adecuado laboreo que el minero deba adoptar.

Mas la representacion geométrica de todos los sistemas de una region metalífera, ó mas especialmente sus proyecciones horizontales en un mismo plano, le dará la mejor luz para conseguir su objeto; porque si los estudia en la superficie, se proyectan, estos sistemas de vetas, sobre diversos planos, segun lo mas ó ménos accidentado del terreno y sus trazos ó crestones en ellos da una falsa idea de su posicion respectiva; lo que se verifica igualmente, aunque con ménos error, cuando se ecsaminan los planos comunes de las minas, en que el dibujo muestra las proyecciones horizontales de todos los cañones dados á diversos niveles unos debajo de otros.

Cruzamientos y dislocaciones.

Las vetas, pues, consideradas ahora aisladamente y de un modo general, pueden cortarse ó en su rumbo ó en su echado (aunque propiamente hablando, la mayor parte se cortan en rumbo y echado) siendo mas frecuente el primer caso que el segundo, y la cortada puede serlo por todo el grueso de la veta secante, y continuar inmediatamente despues en su misma prolongacion como dos planos que se cruzan, ó desviarse paralelamente mas ó ménos la continuacion de ella, á uno ú otro lado de la direccion primitiva, como sucede cuando hay dislocamiento; ó en fin, confundirse en la interseccion comun, mezclando sus matrices, para separarse despues en sus propias direcciones respectivas: debe entenderse que esto se verifica, tanto en los cruzamientos de rumbo como en los de echado.

Acostumbran en este último caso los mineros, dar sus obras sobre las intersecciones comunes ó dirigirlas hácia ellas, como que son los tramos de mayor riqueza, bien por el ennoblecimiento de las vetas que suele ocurrir en estos cruzamientos, ó por la acumulacion de mayor masa; y por regla general se procura dar los tiros sobre estas intersecciones comunes de dos vetas que se cortan en rumbo; mas como la línea de interseccion de ámbas vetas, considerándolas como planos, viene á ser oblicua al trazo del plano horizontal que las cortara, el tiro que se diera siguiendo esta inclinacion seria defectuoso y saldria fuera de las reglas del arte; por lo que es práctica comun tra-

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zarlo de manera que á cierta profundidad vaya á cortar dichas vetas, corriendo en su interseccion comun el mácsimo tramo posible.

Pero el problema mas interesante que se presenta en minería, es el originado por los dislocamientos de vetas, los cuales ocurren á veces con frecuencia, como ya se dijo, principalmente en los distritos metalíferos de muchos sistemas.

Y estos casos de dislocamiento suelen ser tan indeterminados, no obstante á la pretendida esactitud matemática que se les quiere dar (*), que muy dificil seria para el minero sin una larga esperiencia y práctica local, el adivinar hácia qué lado se han verificado.

Sin embargo, como las doctrinas sobre la esplicacion de este fenómeno son varias, y ocurren frecuentemente casos análogos á los de que se han deducido las reglas que aquellas determinan para la resolucion del problema, harémos mencion de las mas conocidas, para que el minero cuando se le presenten casos semejantes, pueda aplicarlos con todo el discernimiento posible.

Representacion geométrica del dislocamiento de vetas, producido por el hundimiento ó elevacion de uno de los respaldos de la veta secante.

La representacion del dislocamiento de vetas por geometría descriptiva, resuelve los casos que mas comunmente se ofrecen en la práctica, de saber á donde se ha de buscar la veta perdida, cuando el dislocamiento sucede por el rumbo en labores horizontales, ó cuando acontece en el echado con labores de plan.

La montea (LAM. 1ª) se construye en la suposicion esacta de que haya habido resbalamiento de uno de los respaldos de la veta dislocadora, sea por hundimiento ó por elevacion; pues lo mismo da en un caso (FIG. A.) que haya sido el alto *m n r s* el que se ha hundido, ó elevado el bajo *o p q t* y en el otro (FIG. B.) el que se haya hundido el bajo, ó elevado el alto: la cuestion siempre se reduce á saber cuál de los dos respaldos de la veta dislocadora *o s* es el que se ha hundido.

En el primer caso, es decir, cuando se ha hundido el alto de la veta ó falla secante, se habrá llevado consigo la porcion *V'* de veta emportrada en él, y naturalmente la otra porcion *V* habrá quedado arriba; de suerte que si vamos labrando la veta en el respaldo alto, se tendrá que buscar su continuacion hácia arriba por el alto *o m n r* de la veta que se lleva, refiriéndose al perfil; y hácia el ángulo obtuso, si nos referimos al plano horizontal ó caminamos á rumbo de veta; mas si nos encontramos en el respaldo bajo, habrá que buscarla hácia abajo por el bajo *s t q p* de la misma veta que llevamos.

Si por el contrario, ha sido el bajo y no el alto el que se ha hundido, habrán de seguirse principios opuestos á los dichos,

[*] Manual de Geología del Sr. D. Andres del Rio, pag. 6.



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segun lo manifiesta la simple inspeccion de la figura que representa este otro caso.

De lo espuesto resulta, que para resolver el problema de la dislocacion de una veta, toda la dificultad estriba en saber cómo se ha verificado el resbalamiento; cosa muy difícil de averiguar algunas veces. "Sin embargo, dice Ezquerra de quien hemos tomado esta construccion geométrica, los conocimientos prácticos de la geognosia servirán de muchísimo ausilio, y cuando no haya otro remedio, se hará una escavacion de reconocimiento á lo largo de la falla, para poner en claro la relacion de las capas correspondientes á uno y otro lado de ella."

Y esta dificultad aumenta todavía mas, cuando son rocas en masa, ó una sola roca estratificada, sobre las que armen las vetas, como sucede con la mayor parte de las del pais.

Por ejemplo, en el distrito mineral del Fresnillo, en la parte Norte del cerro, la vácia gris en masa es la que se encuentra hácia la superficie, y es atravesada por dos sistemas de vetas con rumbos prócsimamente paralelos de Norte Poniente las metalìferas, y Oriente Poniente las lamosas y con echados inversos, al Sur Oriente las primeras y al Norte las segundas. Los dislocamientos son en consecuencia por el echado, y se cuentan veinte y tantas vetas dislocadas. La principal de las lamosas es la que llaman veta echada (45°) de San Pedro, y es la que disloca la mayor parte de las metalíferas, entre ellas la de ricos frutos de Valdenegros y la de Colorado (planes del Burro) cuyas continuaciones no se han buscado bien hasta ahora, contentándose los mineros con darlas por perdidas.

Con toda probabilidad, pues, en vista del sistema de vetas lamosas, se puede asegurar que al tiempo de su formacion se produjeron muchos resbalamientos mecánicos, de lo que resultarian hundimientos de los respaldos altos en unas vetas dislocadoras y de los bajos en otras. Un estudio detenido de las condiciones mecánicas mas favorables á estos deslizamientos, podria poner en estado al minero de adivinar si la veta se habia quedado envainada en el alto de la veta dislocadora ó lo estaba en el bajo, conforme á la representacion geométrica del problema. El primer caso es el que parecen indicar todas las circunstancias locales respecto de la veta perdida de Valdenegros, segun recuerdo del estudio que hice de ella en 1842.

Dislocacion de las vetas, esplicada por el influjo del magnetismo terrestre, segun la teoría de Mr. Hopkins.

En fin, la formacion de las vetas, esplicada por el influjo del magnetismo terrestre, da razon, segun Mr. Hopkins, de todos los dislocamientos diversos y de la acumulacion de riqueza en sus inmediaciones, por la diferente posicion de las fallas ó vetas meridionales (*) con respecto

(*) Se adopta aquí la antigua denominacion de las vetas observada segun los vientos, de *meridionales ó septentrionales* y *orientales ú occidentales*, conforme caigan entre las horas del compas

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á la direccion general de Sur á Norte, que en su teoría supone tienen las corrientes magnéticas interiores del globo. Lo que sigue es un estracto sucinto de lo relativo al caso.

Segun aquella, la costra de nuestro globo afecta una estructura de laminacion ó foliacion general (*grain*) de Norte á Sur, producida por la fuerza de las corrientes perpetuas de su magnetismo interior, á que llama fuerza polar.

Imagìnese ahora una estension dada de su masa, sometida á la accion de alargamiento de esta fuerza: la tension que resulta en ella producirá rajas mas ó menos trasversales á su direccion, si la roca que constituye la masa no tiene la elasticidad suficiente para ceder al alargamiento; y el número y naturaleza de las rajas dependerá del estado variable de la misma masa. Y si la roca contiene canales subordinados de elasticidad y ancho variables, se formarán entónces fallas longitudinales ó diagonales á la foliacion, en el sentido de la menor resistencia. Observa que las rocas no son como se las supone comunmente, rìgidas é incomprensibles, sino al contrario, elásticas, sujetas á movimientos ondulatarios y capaces de prolongamientos; propiedades bien conocidas comprobadas en ellas.

Resultan, pues, por el efecto polar, las séries de lìneas siguientes: la foliacion meridional, las fallas oblicuas ó diagonales (*splits*) y las rajas de Oriente á Poniente ó trasversales á la direccion de las corrientes (*fractures*). Y ademas multitud de hendiduras ó rajas de poca importancia.

Asì, en las rocas pizarreñas, que poseen una gran tenacidad y son capaces de sufrir prolongamientos, las rajas de Oriente á Poniente son escasas, y se hallan limitadas por canales meridionales subordinados, siendo mas frecuentes las fallas diagonales, cuyos labios ó lados son curvos ó abovedados, y muy pulidos á consecuencia de la friccion producida por los movimientos de Sur á Norte ó meridionales de masas paralelas; lo que se observa muy distintamente en la cordillera central de la América del Sur.

En México predominan los pórfidos, y las fallas diagonales ó vetas meridionales son por tanto interceptadas por infinidad de rajas ó vetas orientales. La riqueza mineral es aquí comun á ámbas clases de vetas, miéntras que en Cornwall solo se encuentra en las vetas orientales (*lodes*).

Ambas clases de vetas meridionales y orientales, sometidas al continuo movimiento producido por la accion constante de la fuerza polar, producen gran desórden en la estructura general

12ly 3 ó entre 9 y 12, por el Mediodia ó Septentrion respectivamente; ó entre 3 y 6 ó 9 y 6 cerca de los puntos cardinales Oriente y Poniente. Las primeras corresponden á las que nuestros mineros prácticos llaman *trasversales*, y las segundas á las denominadas por ellos legítimas, nunque tambien llaman indistintamente *diagonales* á las que corren entre los semicuadrantes. Los mineros alemanes las distinguen por *rectas* á las que corren entre las horas 12 y 3; *estendidas*, entre 9 y 12; *matutinas*, entre 3 y 6, y *vespertinas* entre 6 y 9 [L. VI. fig. C.]

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del globo; lo que origina los dislocamientos en el órden de las masas, que son los efectos del movimiento horizontal ó diagonal de grandes trozos de terreno contenidos entre las fallas ó vetas diagonales fuera de su posicion primitiva. Las grandes dislocaciones son producidas por la accion boreal (hácia el Norte) de las rocas contenidas entre fallas ó vetas polares, miéntras que los resbalamientos observados en vetas orientales lo son por el hundimiento de cuñas de montaña contenidas entre las grandes rajas ó vetas. Estos últimos son poco numerosos y no de grande interes (LAM. II) (*).

Las discusiones de que estos fenómenos se han promovido, han creado opiniones opuestas, debidas principalmente á la imposibilidad de restablecer la continuacion de las rajas, de uno y otro lado de las fallas diagonales. Muy poca reflecsion bastará para convencer de que semejante coincidencia en todas las rajas no es dable; pues en primer lugar, las rajas al traves de las fallas diagonales se formarian en el sentido de la menor resistencia, ya fuese ésta ó no en línea recta; sin seguirse de esto que deberian quedar perfectamente en cruz con ellas. Si ademas se atiende á que las rocas, en virtud de la continua accion de la corriente polar, se mueven hácia el Norte, paulatina pero constantemente, ocurrirán por supuesto de tiempo en tiempo nuevas rajas en las mismas masas (hecho de que nadie duda ya): luego aun cuando los guiñados fueran de 1, 10, 20, 30, ó 50 pies, ¿cómo seria posible restablecer la continuidad de todas las series de rajas? Y para servirse de una comparacion trivial, intentar restablecer en su primitiva base las masas dislocadas de rocas, es como querer volver á juntar por nueva congelacion, trozos de hielo hechos pedazos y movidos varias veces.

Cuando se considera la naturaleza pastosa y húmeda de las mismas masas, que permite una continua accion molecular por entre sus poros en direccion meridiana, semejante á la circulacion de la sábia de un árbol, no debe sorprender que los respaldos de las rajas no siempre se puedan restablecer; sus lados interrumpidos son en muy corto tiempo alterados por la accion química; las partes del Sur se ven á menudo penetrar en las del Norte, por nueva laminacion formada subsecuentemente á la replecion de las rajas, segun se representa en la LAM. IV.

Saben muy bien los mineros, que las guardas ó costados de las vetas ondean á veces como por falta de resistencia mecánica, y que se necesitan buenos conocimientos prácticos para mantener en ellos abiertas las escavaciones, y poder estraer el mineral, particularmente en rocas muy blandas y húmedas.

(*) A las láminas de Hopkins acompaño otra con un ejemplo tomodo de las minas del pais (LAM. III).

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En las minas del Fresnillo esta obliteracion de las vetas es muy notable del séptimo cañon para abajo, entre los tiros de Beleña y San Francisco y Poniente de este último á mas de 250 varas de profundidad; y la roca, que es la pizarra comun, es aquí tan blanda y húmeda, que los destajos cuelan mucho sin mas herramienta que largas barretas.

Volviendo ahora á los verdaderos dislocamientos producidos por el movimiento de grandes masas de montaña, se observa que si las fallas ó vetar diagonales llevan un rumbo *Norte Poniente*, las masas de rocas del lado *occidental* generalmente han sido impulsadas al Norte mas que las del lado oriental; y si corren al *Norte Oriente* sucede lo contrario (LAM. V).

La causa de este órden de disclocamiento en las masas se manifiesta al ecsaminar la naturaleza de las interrupciones mecánicas. Admitiendo que la fuerza magnética obra en el meridiano, la direccion de las fallas oblicuas destruye el paraleismo ó uniformidad de las fuerzas polares; de consiguiente, las masas que presentan mayor base trasversal al Sur, serán compelidas al Norte mas proporcionalmente que las otras. Comunmente se dice que las vetas se dislocan ó guiñan á derecha ó izquierda, porque en cualquier trozo que uno esté de la veta dislocada caminando á rumbo, su continuacion se encontrará tirándose hácia un mismo sentido.

Con la mira de comparar las minas de América con las principales de Cornwall, Wales é Irlanda, Mr. Hopkins ha hecho últimamente grandes investigaciones en éstas, y ha confirmado por ellas su anterior opinion de que "la dislocacion en las grandes formaciones de vetas, ha sido simultánea á su replecion."

Son, segun él, las rajas ò vetas meridionales mas antiguas que las orientales, generalmente hablando. Entre los muchos ejemplos que pudieran citarse de rajas ó vetas orientales contenidas ó limitadas por las meridionales, las minas de Flintshire se mencionan como uno de tantos. La causa de que las rajas ó vetas meridionales atraviesen á las orientales, no viene de que sean éstas mas ó ménos nuevas ó formadas despues, sino que es debida al perpetuo movimiento longitudinal á que está sejeta una serie de rajas, estándolo la otra á acciones transversales.

Opinion de Budge sobre el guiñado de vetas y reglas prácticas que aconseja para buscar la perdida.

Favoreciendo en parte esta opinion, que está en discordancia con la comunmente admitida de Werner, sobre que son de diversa antigüedad las vetas que se cortan ó atraviesan, siendo la atravesada mas antigua que la qne atraviesa, viene la de Mr. Budge, segun la cual "las vetas son contemporáneas con las rocas en que arman."—"Muy frecuentemente, dice, sucede que una veta dislocadora [*cross-*

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*course*] que atraviesa varias vetas, á unas las disloca, y encuentra que los *dislocamientos* difieren materialmente en su distancia, y á otras enteramente no las disloca; y casos conocidos hay de dislocamientos á derecha é izquierda de una misma veta secante Ademas, las vetas dislocadoras serpentean ò hacen zigzaques en su rombo, y no son interminables sino que se acaban y se descontinuan cuando entran en otra clase de roca."

En cuanto al fenómeno de dislocacion, si bien admite reglas generales de la naturaleza, dice que tambien tienen sus escepciones, y aunque para el minero práctico hay indicaciones conocidas por las que puede adivinar si el dislocamiento es á derecha ó izquierda, con todo, hay muchas obras erradas, habiendo fallido los indicios comunes de una especie de pandeamiento de la veta, hácia la parte á donde se disloca, ántes de ser atravesada, y de los jaboncillos y pintas minerales diseminadas en esa direccion.

Aconseja al minero, como recurso prudente, cuando se ha perdido la veta y no se encuentra rompiendo frentes á uno y otro lado de la veta dislocadora colándolas algunas varas, el tomar el verdadero rumbo de la veta, volver al punto dondo se perdió, y seguir el cuele con este rumbo.—Se funda para esto, en los hechos bien conocidos, dice, de que aunque el rumbo de la veta haya cambiado con el dislocamiento, tiene siempre cierta tendencia á volverlo á tomar; pero como algunas veces queda destruida, se desliza ó se adhiere á la veta secante la veta que se lleva, de tal modo que no es posible distinguirla, es mas seguro colar fuera de veta con el rumbo dicho, volver entonces atras, o romper frentes en ángulo recto, para buscarla con cruceros hácia uno y otro lado, con lo que se la puede descubrir mejor al cortarla.—Pero esto solo se practica cuando se ha registrado en vano uno y otro lado de la veta dislocadora.

Respecto á la acumulacion de riqueza en las inmediaciones de las vetas que son atravesadas por otras impermeables ó lamosas, produciendo ó no dislocacion, y á la mayor probabilidad de encontrar depósitos ricos de metales ó bonanzas sobre los criaderos en vetas, sugun ciertas condiciones mas ó ménos favorables de posicion, respecto de los canales interiores que conducen las soluciones metálicas, siguiendo la misma teoría del magnetismo terrestre, se tratará despues al hablar de "*teorias sobre la formacion de las vetas*," que será materia de otro artículo.

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## NOTAS SOBRE ALGUNOS MINERALES,

*Tomadas del discurso anual de* 1846, *del profesor Antonio del Castillo, encargado de la clase de mineralogía del colegio de Minería de México.* (*Los discursos del espresado año no se publicaron.*)

### SOBRE LA CRISTALIZACION DE LA MARGANESA SULFÚREA.

Los mineralogistas han discordado respecto á la cristalizacion de esta sustancia. El Sr. Breithaupt la hace corresponder al sistema rombal ó prismático, pues le asigna por figura fundamental la pirámide rombal obtusa, y describe sus cristales como prismitas rombales con las aristas agudas truncadas: el Sr. D. Andres del Rio ha observado crucero paralelo á las caras mas ó ménos curvas de un romboedro poco oblicuángulo, y segun sus discípulos Herrera (D. Vicente) y Obregon, la inclinacion de las caras de crucero es de 93° 46′ (*) lo que determina el sistema ecsagonal ó romboedro, por la forma romboédrica que resulta; y otros autores le dan la forma cúbica.

Ecsistia en la coleccion de la clase un ejemplar clasificado por cobre sulfúreo hojoso, dado por el Sr. D. Ramon del Moral de unas minas inmediatas á Tepeyatucalco, el cual ecsaminado por mí, resultó ser marganesa sulfúrea cristalizada en octaedros combinados con el cubo, ú octaedros con las esquinas truncadas, tambien hemitropias de octaedros tabulares (octaedros segminiformes de Haüy); y como los cristales son medianos y bien terminados, y la figura en octaedros determina el sistema teseral ó cúbico de cristales, entiendo que su verdadera forma es la cúbica, y que el ángulo de 93° 46′ observado por los señores ántes mencionados y que el Sr. del Rio adopta, proviene de que las caras de crucero ó de los fragmentos que se acercan á cúbicos, son las mas veces algo curvas, por la textura hojosa curva propia de la que está en masas: por tanto, el dimorfismo atribuido por el mismo señor á esta sustancia, segun lo espresa en la página 166 de su parte preparatoria, no queda bien comprobado, ateniéndose solo á la espresada medicion del ángulo referido.

Nuevos ejemplares del mismo mineral cristalizado y del mismo lugar (†) fueron despues cedidos por el Sr. Moral para la coleccion, presentando ademas de los caracteres cristalográficos ya citados, los siguientes caracteres esteriores: lustrosos ò resplandecientes de lustre ametalado: color negro de hierro: la superficie de las caras del octaedro rayadas horizontalmente, rara vez lisas, las del cubo ásperas: otras veces las caras de los cristales están escavadas con los huecos encostrados de pirita:

(*) Orictognosia del Sr. del Rio, pág. 121 y 6, y parte preparatoria (1846) del mismo autor, pàg. 166.
(†) Cerro de San Miguel Tlachiaque, mina de la Hucha, distrito de San Juan de los Llanos, estado de Puebla.

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adherentes unos junto á otros sobre una masa mineral compuesta de marganesa sulfúrea amorfa, blenda, galena y pirita. Los acompañan medianos y pequeños cristales de alabandina roja, de azufre nativo, y prismitas rombales de pirita blanca ó prismática.

Han venido todavía despues á mis manos mas masas minerales de las minas citadas, con abundancia de cobre gris cristalizado y amorfo, y encuentro que todos los fósiles de que se componen, constituyen una formacion particular, ó se acompañan casi siempre la marganesa sulfúrea, la blenda, pirita, galena y cobre gris; siendo estas dos últimas sustancias las que deben formar su riqueza. Esta formacion nuevamente descubierta en el pais, entiendo que no tiene análoga en Europa.

### NUEVA ESPECIE MINERAL?

#### MERCURIO CÓRNEO DEL DOCTOR, Y EL LLAMADO IODURA DE MERCURIO DE CASAS-VIEJAS.

*Cristalizacion.—Forma primitiva.*—Pirámide rombal aguda, en que el eje mayor, de los tres rectangulares, crece entre 2 y 6 milímetros, apareciendo entónces las pirámides como agujas finas: el crocimiento del eje puede ser aun de mas milímetros, pues se presentan algunos fragmentos largos de pirámides muy agudas, como si fueran fragmentos de prismas rombales.

Casi todas las pirámides presentan, ecsaminadas con lente ó microscopio, una estructura compuesta de láminas rombales que sucesivamente van creciendo hasta completar la pirámide y como sobrepuestas sobre la braquidiagonal, mirando horizontalmente la pirámide con una esquina obtusa de la base de frente (FIG. I. LAM. VI).

Las pirámides muy agudas tienen las dos caras mayores opuestas rayadas en pluma obtusamente: indicando su formacion compuesta de una infinidad de individuos incorporados en escalas paralelamente á la braquidiagonal y en direccion del eje mayor de la pirámide muy aguda (FIG. II).

Las pirámides pequeñas forman agrupamientos confusos de cristales.

Estos son de lustre de diamante, y su color varía del rojo de fuego al amarillo melado y de cera: tambien los hay verde pistacho y verdinegros, cuyo caso carecen los últimos de trasparencia y lustre de diamante.

Se halla igualmente amorfo, muy diseminado en caliza y espato calizo, y en revestimiento: su color es entónces, en textura fresca, amarillo de limon subido y verdegay; con el tiempo se vuelve gris verdoso y verdinegro.

La textura de los cristales es concoidea con lustre de diamante: la del diseminado y en revestimiento, de trerrosa á desigual de grano fino.

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Blando y dócil: toma algun lustre en la raspadura, que es amarilla de limon en los cristales, y de un amarillo verdoso que tira á verdegay en el amorfo.

Los cristales rojos, amarillos y verdes pistacho, trasparentes y semitrasparentes, y el amorfo opaco.

En el tubo cerrado por un estremo, espuesto á la llama de la pequeña lámpara de espíritu de vino, da inmediatamente un sublimado amarillento en caliente, y blando despues de frio [protocloruro de mercurio], dejando un residuo rojo oscuro en caliente, que se vuelve amarillo naranjado cuando se enfria. Tratado solo al soplete, se pone rojo de aurora á la primera impresion de la llama, la tiñe algo de azul, y se disipa despues dando olor *parecido al del selenio?*

El primer esperimento parece indicar la presencia de una sustancia mas en el mineral, que es fija á la temperatura á que se sublima el protocloruro de mercurio (*chlorure mercureux*).

Ademas, los caracteras orictognósticos ya asentados, que no convienen del todo con los del mercurio córneo de los mineralogistas, me hacen pensar que el mineral en cuestion probablemente no es un cloruro de mercurio simple, sino que su composicion es mas complicada.

El mismo mineral amorfo es el que describe el Sr. del Rio como ioduro de mercurio, y pedazos de los ejemplares de la coleccion del colegio clasificados por él, me han dado los mismos resultados; y aun suponiendo que contenga iodo, que yo no le haya podido sacar, ciertamente que no podrá ser un simple ioduro de mercurio.

Es, pues, interesante conocer la verdadera composicion de este mineral por un análisis riguroso, para decidir en fin si es una especie nueva en mineralogía. Se halla con mucho mercurio nativo, el cual parece esencial á su presencia, en espato calizo que forma vetas en el Doctor junto á Zimapan, y tambien diseminado en la caliza compacta de Culebras.

### PLOMO NATIVO.

En el Mineralogía de Alger y Phillips, página 529, se habla de este metal como sigue:

"Se describe el plomo, dice, como encontrándose en estado metálico, y en pequeñas masas, en las lavas de la isla de Madera y otros distritos volcánicos, constituyendo el plomo nativo de algunos mineralogistas. Ultimamente se ha encontrado en las cercanías de Alston, en Cumberland, en pequeñas masas embutidas en galena y una sustancia escoriosa, acompañada de oxido rojo de plomo, blenda y cuarzo: la veta en que se ha encontrado arma en caliza. Se dice, que las minas de plomo



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de Michigan, cerca del rio Anglaise, han dado ejemplares de metal nativo."

Ecsaminado en el curso de las lecciones de este año, el azarcon que se encuentra en la almendrilla de junto à Zimapan, y que describe el Sr. del Rio como nativo en la página 206 de su Orictognosia, observamos que lo acompañan almendritas de plomo; mas pareciéndonos sospechoso este ejemplar, no dudamos que ámbas sustancias sean producto de fundicion artificial.

Producto de igual causa, pero natural (la accion volcánica) nos parece el bello ejemplar presentado por el Sr. D. Tomas Ramon del Moral, al gabinete de mineralogía, y descubierto por el Sr. D. Andres Castillero en el rancho del Saucillo, babia de San Francisco, Alta-California, del peso de 9 onzas 7 adarmes, arrancado, segun dice su descubridor, de un gran banco del mismo metal, que es batido por el mar, y se sumerge en el agua.

Tiene la apariencia de una brecha volcánica; envuelve fragmentos y detritus de diversas rocas, como pizarra, vácia gris, caliza, piedra córnea, cuarzo &c., y restos de conchas de agua dulce y marìtimas, paludinas y mitilus no alteradas: donde sobresale el plomo, las eminencias son romas; y tambien suele estar amoldado, aunque imperfectamente, á la cavidad de alganas conchas, presentando el aspecto de una completa fusion.

Todo, pues, tiende á probar el orígen volcánico de esta masa de plomo, cuyas porciones superficiales algo candentes todavia, pudieron en su curso debajo del agua, á manera de lava, arrollar las conchas envueltas en arena y aluvion de rocas primitivas sin alterarlas.

Y creo conveniente añadir, que es un plomo muy pobre, pues apenas contiene cantidades apreciables de plata, segun resulta de la copelacion, que da ménos de $\frac{1}{576}$ de plata.

### CRIADERO DE MERCURIO DE SANTA CLARA, ALTA CALIFORNIA.

Por último, haré mencion del nuevo criadero de azogue, descubierto en la mision de Santa Clara, al Sur del puerto de San Francisco, Alta California, cuyos minerales dan la ley mas rica de cuantos se conocen en la República, que como sabemos tienen una ley muy baja, de 1 á 3 por 100 en lo general; miéntras que la de los minerales del criadero ántes espresado, pasa de 28 por 100; y segun su descrubridor, que lo es el Sr. Castillero, la estension en longitud reconocida de él es de mas de 200 varas.

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# TRANSLATION OF EXHIBIT CASTILLO No. 1.

—

SUMMARY OF THE LABORS THAT IN RELATION TO EXAMINATIONS OF CRIADEROS AND MINES OF QUICKSILVER WERE PERFORMED IN THE YEAR 1844, UNDER THE DIRECTION OF THE "JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA."

Mexico. Printed at the Office of the Literary Society, Santa Clara street, No. 23.—1845.

—

## SUMMARY

*Of the labors which have been prosecuted in relation to the investigations of the Criaderos and Mines of Quicksilver, in the year* 1844.

—

### INTRODUCTION.

Proposing to enter into some details in relation to the present condition of the working (explotacion) of the criaderos of quicksilver of the Republic, as a youthful branch of speculation of our mining industry, I am impelled by the desire of adding to the knowledge already possessed on the subject, the small fruit that may result from an investigation of the scientific branch of the subject, for the purpose of consolidating during the present administration the reasons upon which are founded the probabilities that Mexico will, in time, extract from her own soil the mercury necessary for her consumption.

To this end, I have received from persons of the best judgment, as well as from several authors, the instructions and references necessary, with the object of presenting all possible assurances of the circumspection with which I have endeavored to sustain measures important to the public interest and to the national prosperity.

I will commence at once with these wise reflections left us by Baron Humboldt, so important in the object with which we are about to occupy ourselves: "The prosperity of the colony, he says, depends essentially upon the prosperity of the mines. Notwithstanding, these have not advanced the interests of agriculture, and other branches of industry, as would have been supposed. It is certain that the capital devoted to mining operations, and the labor occupied in the same, might be employed



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in new enterprises; but also, the existence of a new business vivifies all the surrounding country: populous cities spring up in the neighborhood of the same, and fruitful fields are planted, which continue to exist even after the exhaustion of the mines has caused the miners to abandon their labors and seek other districts."

The Baron Humboldt believes, then, that the mines have encouraged rather than retarded the interests of agriculture and industry in Mexico. He has observed that the districts in which the fields are best cultivated, and where industry is the most active, are those which contain the richest mines. "Notwithstanding, it is unpleasant to reflect, he observes, that the colony cannot provide for its necessities and pleasures, save with the products of its mines, which are exposed, as has already happened, to great diminution by maritime wars. Experience will doubtless instruct the Mexicans in relation to their true interest, and therefore teach them to extract from their own soil, the iron, steel and mercury necessary for the working of their silver mines." (1)

The Baron Humboldt then predicted that experience would teach us the necessity of extracting from our own soil the substances necessary for the working of our mines; because the prosperity of the country depends essentially upon the prosperity of the mines.

But, besides, we have in support of this position, the simple principle of social economy that "any State whatever should extract from its own soil the substances it needs, even when they can be obtained from neighboring States at a less cost; because in this way industry is encouraged, and the circulating medium retained, while by a contrary course the State is impoverished by degrees by the payments for foreign importations." The consideration of this simple principle caused to be organized in France, a country containing but few minerals, a wise political administration of mines. But for Mexico this consideration is one of still greater interest, supposing that in order to sustain and preserve the working of the silver mines, the fruitful fountain of its riches and prosperity, mercury is indispensable; an element, as we all know, imported from foreign countries.

On another hand, it is very natural to seek in a country so extensively abounding in mineral substances, all those minerals by means of, or with the assistance of which, such as mercury and iron, gold and silver are obtained and extracted, the production of which, according to a modern author, "has in Mexico a peculiar character, requiring but little time, and possess-

(1). Extracted from the Political Essay of New Spain.

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ing no analogy with the industrial pursuits of other nations." (1)

Luckily, one of those objects of first necessity, iron, is the subject of great private speculations, which already commence to prove its necessity, not only in mining operations but also in the divers branches of manufacturing industry.

But, while the enterprizes of iron manufactures have presented inducements to individuals to establish the same, on account of the nature of the criaderos of iron, they being superficial and very abundant, those of mercury being less abundant and of a small *ley*, are only the object of trivial and unsubstantial negotiation.

But as the importance of this last element is of such a nature, that the annual products of the silver mines increase or diminish in proportion to the diminution or increase of the price of quicksilver in the market, which is proven by the progressive increase of this production in the time of the Spanish Government, the increase in the production of gold and silver, as shown by the receipts of the Treasury, keeping pace with and being in direct proportion to the successive reductions in the price of quicksilver; it is therefore to the interest of the Government, with a better founded reason than in the case of individuals, to take such measures, as that the mercury consumed in Mexico may be produced at the smallest possible cost.

And further, as in importing a foreign article, aside from a certain species of dependence on the political caprice of the Spanish Government, to which the Republic is subjected, this Government is actually compelled to pay, in the high price of quicksilver, almost as much as was received by the Spanish Government, in the time of its domination, from the duties on gold and silver, it necessarily results that it is more profitable to the Republic to extract the same from its own territory than to import it from Europe, even when the Government obtains it by means of contract, since, without a change in financial affairs (which is not likely to occur) this Government will not be able to obtain the article save at a high cost, and therefore it will not be able, either to make any considerable reduction in the price on disposing of the same, or render that benefit to the country which would result from using her own quicksilver.

The importation of a foreign article is further attended with grave inconveniences; for we may suppose, that by some unlooked-for contingency, the mines of Almaden, in Spain, from whence we receive quicksilver, should become impoverished, exhausted, inundated, or ignited, and supposing that the other quicksilver mines of Europe, those of Idria and Palatinado

(1) "Of the production of the precious metals in Mexico." By St. Clair Duport, p. 376.

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should not produce the quicksilver necessary for working the minerals, *por patio*, in Mexico; or that in consequence of any political event, communications should be interrupted by armed vessels, and our ports should be blockaded, what would then be the fate of our silver mines? Their almost effectual ruin.

In fact, if we except such operations as are only necessary in the establishment or foundation of a mine, in almost all other matters it would be necessary to suspend the labors in whole or in part, causing irreparable losses to the owners or suppliers (aviadores) and great prejudice to society and to the public treasury. Since, the annual products being considerably diminished, the treasury would not receive those large sums which are yielded by the duties on gold and silver, nor would commerce, industry or agriculture experience that beneficent influence of prosperity, brought about by the circulation of some millions of dollars. The very nation will find itself burdened with a large population without occupation, and with the misery and ruin of many families.

Therefore, then, if "the working (explotacion) of the mines, says Mr. Heron of Villefosse, offers great advantages to the States possessing them, these (advantages) cannot be lasting, save while a wise and far seeing administration assures the development and protection of a branch of industry so essentially different from all others.

It is necessary, then, that the working (explotacion) of the mines of quicksilver, should be an enterprize of the government, this not being understood in a literal sense; since, in furnishing the capital necessary for the working of certain mines, the power is reserved, either of working them on its own account, or in companies of association, without risking large sums in the same; since, however unproductive the workings (explotaciones) should turn out to be, it is certain that some amount of mercury would be produced, which, being added to the imported article, would cause a reduction in the price of the same, from which would result an increase in the annual product of the mines; so that if on one hand there is a danger of losing, on the other there is a probability of gaining; and this is viewing the case in the most unfavorable light.

If, on the contrary, to-morrow, in making excavations in some of the mines, rich and abundant deposits of cinnabar should be encountered; or if even in the criaderos, already known, of a poor *ley*, but abundant and extensive, perfect apparatus for distillation should be established, the benefits which the government would derive from the same, as well as the advantages which would result to the inhabitants in finding occupation, are at once evident.

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Wherefore, the advancement and protection of this youthful branch of industry, in the mining of the country, rightfully pertains to the government, since the financial advantages to be gained by the increase of the annual products of the silver mines, is no where more felt than in the public treasury.

And here, in relation to a mining enterprize set on foot by a government, it is well to remember what the mines of Fresnillo have been, of which place, abandoned in 1827, the recollection may be preserved without forming any hope.

Mexico, October 1st, 1845.

A. DEL CASTILLO.

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## DIVERS CONSIDERATIONS

### IN RELATION TO THE MANNER OF APPRECIATING THE IMPORTANCE OR RELATIVE RICHNESS OF OUR DEPOSITS OF CINNABAR, AND GENERAL QUESTIONS IN RELATION TO ITS PRODUCTION.

Before entering upon a description of the different districts of *criaderos* or mines (1) of quicksilver in the Republic, we will consider the order which we propose to adopt, in order to assist the judgment, which under diverse circumstances we have to form in relation to their importance.

Wherefore, we will consider—First, the nature of the criaderos; that is to say, their geognostic formation, the extent and regularity of the veins, mantos, capas (leyes) or mineral masses.

Second, The abundance and ley of the products.

Third, The local circumstances favorable to the worker of the mines; that is to say, a situation advantageous for draining the same, or for extracting the fruits of the same; abundance of materials for the interior and exterior labors of the mines, such as timber, iron, water, coals, fuel, &c. Besides, other financial and economical advantages, such as the present high price of quicksilver, the cheapness of the articles indispensable for the maintenance of the business, the cost of labor, and finally the position of the operation near the points of consumption.

By attending particularly to these considerations, in each district, we will be able to approximate as nearly as possible to a solution of the following general questions:

Do there exist in Mexico criaderos or mines of quicksilver,

(1) In mining, the name of "criaderos" is given to the deposits of substances contained on the surface, or in the interior of the globe, whether metallic or not, which have a certain value in commerce. And that of "mine" to excavations made in an order adapted to the nature of the criadero, for the extraction of the substances constituting the same.

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susceptible of furnishing the large quantities annually consumed in the extraction of minerals?

And even supposing there should not be sufficient for this object, do the examinations made up to this time assure us that, if the working of the same should be conducted with intelligence and economy, they would at least pay expenses?

These questions, which have attracted the attention of the Government, and that of miners, occupy exclusively that of the Junta de Fomento y Administrativa de Mineria; and although in its exposition, it has already presented a sketch of the result of the examinations made in some of the Departments, as from divers causes the scientific part of the same was very limited, I hope the small work which is now presented will be received with favor, as an homage to the benefit that has been procured to the mining interests of the country, giving a strong impulse to the "*working of the criadores and mines of quicksilver of our country.*" (1)

And this being nothing more than a *summary* of what was done by the committees appointed for that purpose, the reports of which the Junta has permitted me to consult, I have to make in this place a public manifestation of my gratitude to the same, and of the merited eulogy which I render to the gentlemen of the committee, whose knowledge has illustrated the matter.

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## DESCRIPTION OF THE CRIADEROS OF QUICKSILVER IN THE DEPARTMENT OF MEXICO, IN THE SOUTH DIVISION OF THE SAME.

### CRIADERO OF CHAPITZACO.

This is found in the cerro of the same name, mine of S. Rafael (2), ten leagues S. ¼ S. E. from the villa of Chilapa; its geognostic formation is mica slate? It is curious to observe in some parts of this region great stones, in the form of boulders, of the weight of a 100 quintals, composed of fragments of porphyry, primitive slate and pieces of quartz seven or eight inches in diameter. There are two veins known which run in a N. W. direction, with very little inclination [echado].

The matrix of the veins is at times quartz, and sometimes a species of brecha formed of the fragments of slate and mica-slate, decomposed porphyry and feldspar, cemented by a kind

(1) The printing of this work has been done at the expense of the Junta de Fomento Administrativa de Mineria, from the quicksilver fund, with the due authority of the Government.

(2) Under the name of the mine of "Concepcion," it was known in the year 1677, as is referred to in the Commentaries of Gamboa, page 31, paragraph 54. It is also to be understood that the mines of Tlanicuilulco, of which mention is made in the same commentaries, and the different *catas* of the cerro of Chapitzaco.

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of impure clay colored by iron ochre (ocre de hierro); in this is found pulverized cinnabar, accompanied by abundant copper minerals, which appear to have originated the working of the mine.

The medium *ley* of the products is of 0·25 per 100, and are abundant.

The local circumstances are favorable—labor is very cheap, twenty-five cents a day; but notwithstanding this, the mines do not pay expenses, which may be seen by the demonstration made in the following note:

NOTE.—The Señor Duran establishes the fact, according to his calculation, that the approximate cost of 500 quintals of mineral, comprising all the expenses, amounts to....$207 25
Therefore, that of 100 quintales will be..... 41 56¼
that the medium product (*ley*) being 4 oz. the quintal, the whole produce will be 400 oz. or 25 lbs. or the value of $41.25, since quicksilver is worth in the market $125 the quintal. It is thus seen that there is no profit whatever on the capital which must be employed in working the mine.

CRIADERO OF THE HUAMUCHIL.

This is also found in the cerro of the same name, at a distance of two leagues to the S. E. from the pueblo of Ajuchitlan, which is distant eighty leagues to the S. S. W. from the city of Mexico. It is of a red, sandy geognostic formation. The vein has a direction (rumbo) of 342° N. W.

The pulverulent cinnabar, or vermillion, is found in the body of the vein in narrow *cintintas*, which generally cause small deposits which are called *ojos;* or speaking in the language of miners, the cinnabar *is formed into ojos or boleo.*

The medium *ley* of the minerals is 3:25 per 100. The works are superficial and are in veins. An excavation has been projected for the purpose of cutting the vein at a depth of 162 varas, which as yet is scarcely commenced. The other local circumstances are in other respects somewhat favorable, possessing also some economical advantages.

CRIADERO OF CANDELARIA.

This is found at the skirt of the same cerro of Huamuchil, already mentioned, at the distance of about two leagues and a half to the S. E. of Ajuchitlan, and about 400 varas below the level of the ancient mine. As it is the same mountain of the criadero of Huamuchil, and the creston of Candelaria is at the S. W. 169° from the mouth of the ancient mine of Huamuchil,

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and the minerals are almost the same, it is to be presumed with well-founded reason, that if it is not the same vein, it is at least of the same formation. The minerals extracted from the *creston* of the same (on the surface) give a ley of 0.50 per 100 ($\frac{1}{2}$ libra por quintal), and, as it is now known, the minerals are very abundant. Its economical circumstances are the same as the foregoing criadero.

CRIADERO OF TECUSCO.

Is in the cerro of the same name, at the distance of one league to the N. E. 86° from Tlalchapa. It is of the same geognostic formation as the foregoing, and it extends into the partido of Ajuchitlan, from the catas of Huaje in the cerro of Tecusco in Tlalchapa, as far as the coast of Candelaria in the cerro of Huamuchil, comprehending a space of more than ten leagues in extent, over which is found distributed an infinite number of mouths or *catas,* bearing the marks of cinnabar in more or less abundance. The veins of the criadero which we occupy run from east to west, with a scarcely perceptible inclination to the North. And the cinnabar is accompanied (as in the criadero of Chapitzaco) by the minerals of copper, quartz in the matrix, and gives a *ley* of 0.87 per 100 (14 ozs. per quintal).

All the excavations or prospectings are superficial, and the local circumstances and economical advantages are somewhat favorable.

The observations made by the Committee, in relation to all their *criaderos* of the District of Ajuchitlan, are doubtless such as accord with the peculiar circumstances of that country.

A proposition is therefore made, to the *Junta de Fomento y Administrativa de Mineria,* to establish a furnace with retorts in the place most suitable, for the purpose of propagating the knowledge necessary for the distillation of mercury, of which the inhabitants are absolutely ignorant, and that they may be able to organize a working establishment, on the veins which it may be desirable to work; besides, the advantage resulting of being able to extract metal, as well to provide the furnace with what may be necessary in case of necessity, as also to give an impulse to the working of that multitude of catas, which perhaps to-morrow will result in the discovery of one of those enormous mineral masses of cinnabar, which constitute the richness and contribute to the prosperity of a mining district.

MINES OF PREGONES.

There are found in the *cuadrilla* of Pregones, *cerro* and mines of Negrilla, at the distance of six leagues to the west

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northwest of Tasco. The veins are surrounded by (arman en) calcareous matter of transitive upon slate; that of the mine of Negrilla runs in a N. E. direction with an inclination (*echado*) of 70° to the S. E. The formation of this vein is curious, its principal products being minerals of silver, accompaied by cinnabar in mass, and crystalized. In the same *cerro*, at the distance of 50 varas to the north of this mine, is found that of Santa Gertrudis, the vein of which has the same direction, N. E., and an inclination (*echado*) contrary of 68°, approximate.

The *ley* of the minerals at the first mine was found to be of 0.3125, and those of the second 0.25 per 100.

The excavations are of but little depth.

The economical advantages for the working of these mines are very favorable, on account of the abundance of all the indispensable materials, and other circumstances.

### CRIADERO OF TEPEYOPULCO AND CUAXISTENGO. (1)

In the jurisdiction of Cuernavaca, in a group of mountains lying between the city of this name and the pueblo at Miacatlan, are found the *cerros* of Tepeyopulco and Cuaxistengo, which belong to the chain of the mountains of Tasco, and are composed of the same rocks which constitute the superior numbers of the formation of the same: carbonic calcareous matter upon old red sandstone in some places; in others it is covered immediately by calcareous matter of transition (*caliza de transicion*). The calcareous matter of this place is called in the language of the country *texcal.*

The character of the formation of these *criaderos* is similar to that of those in other parts of the Republic, which have been found in the formations of variegated sandstone. They are reduced to rebozaderos of superficial veins, irregularly distributed on the surface of the mountain; these in mining language are known by the name of *bolseo.*

In the substances which form the matrix of the bolsas or boleos (pockets), are found ojitos and venitas of the finest vermillion; and this is what constitutes the minerals or metals of azogue of the same. At the depth of a few varas from the surface, all vestiges of metal disappear, even to the signs of the veins.

During the months of February and March, 1782, 147 arrobas of mineral were extracted, which produced nine libras of azogue to the pound; which makes a ley of 0.93 per 100. In the same year, during the month of August, 143½ cargas were

(1) The data comprised in this description are taken from the reports of the Ancient Tribunal of Mineria, presented to the King in relation to the condition of the investigation made in the examination of these criaderos.

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extracted, which gave 15½ arrobas of azogue which gives a ley of.....0.898 per 100
Medium ley.....0.914 " "

The working of these false veins was commenced in the month of November, 1780, by the orders of the Most Excellent Señor Viceroy Don Martin de Mayorga, previous permission by the Court of Spain having been obtained, in consideration of the great scarcity of quicksilver in the kingdom. The working of the same ceased about the middle of the year 1782, without any greater products than the insignificant quantities of quicksilver above mentioned; and after having exhausted all the resources of art in order to ascertain the nature of said criaderos, as has been seen, they are but little worthy of great mining enterprises. And it is lastly worthy of remark, in completing the description of the same, that the largest of the eleven mouths thus formed does not reach to the depth of fifteen varas; that besides, in the same cerro of Tepeyopulco, and in its immediate neighborhood, there had already been made in the year 1740 expensive prospectings, sufficient, from the unfortunate results of the same, to leave no doubt of the uncertainty, irregularity and unfruitfulness of these criaderos. The following is extracted from original documents existing in the Archives of Mexico:

An individual named Carlos Bartolomé de Leon, by virtue of a decree of the Señor Don Pedro Malo de Villavicencio, Judge privativo, Superintendent and Administrator of the Royal Azogues, leased the mines of azogue in the Jurisdiction of Cuernavaca, under certain conditions, "among which," says the Act, "is that of being required to deliver six thousand quintals within the shortest time that the prolix operations may permit, at the sale of twenty-one dollars per quintal, giving bond in the sum of $8,000, which will be exhibited in coin when and where it may be demanded, and which, on failure to fulfill his contract, will remain for the benefit of the Royal Treasury, together with all the works of mechanical art which may have been placed in said mines, in order that His Majesty may dispose of the same."

The said individual after a thousand difficulties, disappointments and heavy expenses, succeeded in forming some excavations, from which he extracted in a little more than three months some 12,000 quintals of minerals of all qualities, which after being pepenados, were reduced to 300 quintals of pure metal. On account of this disappointment, and because at the depth of a few varas, the *color* of the metal disappeared, he rescinded the contract, after having expended the sum of $14,453 in all the labors of this ruinous enterprise.

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In consequence of which, the Judge privativo, Superintendent and Administrator of the Royal Azogues, issued the necessary orders for the making of the proper investigations in relation to the result of the matter. And the whole matter was set forth in conformity with the declaration of the said Carlos Bartolomé Leon, made before the Justice of Cuernavaca by virtue of superior orders, and a statement of which we have given above. In the expediente it appears also that said contractor presented to the said authority some 22 ounces of quicksilver en caldo, as the only result obtained from his unfortunate speculation.

Shortly after said catas minas were closed and inhabilitadas by order of the same Judge privativo, Don Pedro Malo de Villavicencio, on the 10th of September, 1740; and a few days after this was done, a bando was published in the village of Cuernavaca, prohibiting the working of the mines of quicksilver.

Such was the history of the mines of the jurisdiction of Cuernavaca 41 years before the working of the same was resumed by the Spanish Government, with the unfavorable results which have been set forth in the beginning: a history which we hope will teach the speculating miners of the present day, to be more discreet when they commence new prospectings or labors in the same.

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## DESCRIPTION OF THE CRIADEROS AND MINES OF AZOGUE IN THE DEPARTMENT OF JALISCO.

### CRIADERO OF CAPULA—MINERAL MARTINEZ.

Twenty leagues to the south of the City of Guadalajara, there is a considerable range of mountains, which extend without interruption from the south-east to the north-west, forming the division of the waters, between the territory of the Laguna of Chapala, with which those of Sayula, Atoyac, Tissapan, etc., may unite, and the sources of the River of Almeria, which running in a southern direction passes near Colima, and empties into the Pacific Ocean ten leagues to the S. S. E. of the port of Manzanillo. The longitudinal axis of the mountain range, which may be considered as the prolongation of the elevated plains and mountains of Michoacan, is crossed at right angles, passing from the hacienda of Iztipac to the great pueblo of Chiquisistlan, by an extent of eight leagues, which is the width of this pass, the same being covered with dense groves of pine, oak and splendid live-oak, watered by perennial streams, and with a beautiful climate; this range of mountains is besides

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one of the richest in veins of gold, silver, copper and iron. It is composed, according to the dominant feature of its formation, of porphyritic rocks, with a base of feldspar and piedra cornea, with crystals of the first, containing besides, in the base of the higher points, long prisms of hornblend.

At the southern foot of these mountains a chain of calcareous hills runs in a direction almost parallel with them (mountains), the same containing the mineral called Martinez, between the pueblos of Chiquinistlan and Tapalpa, near the small settlement of Capula. The calcareous formation (caliza), of those hills appears to be the calcareous formation of the mountains, (caleza de montaña), or carbonaceous matter, upon which rests an extensive formation of red sandstone, the thickness of which increases towards the south, while to the north near the Saucillo, it is concealed under layers (capas) of calcareous matmatter, arcilla, (pure white earth), and marga (marl); and still further to the north, the sandstone disappearing. These layers (capas), which incline on an average, 20° to the N. E., and are of the thickness of from a few feet to twelve, each one rest immediately upon the calcareous formation. The thickness of the calcareous formation and that of white earth and marl (arcilla y marga), is not yet known, no excavations having been made of sufficient depth to reach the lower part of the calcareous matter, notwithstanding this would be very interesting, as this is the formation which contains cinnabar over an extent of more than two leagues, the different capas being more or less impregnated with this mineral; but with a great diffierence between the leyes of the different capas: the richest is a yellow clayey mass, of a foot in width, which is much intermixed with calcareous spar, which becomes somewhat compact, otherwise it contains no indications of cinnabar; a layer (capa) of dark clay, upon which there generally rests others, which are whitish or yellowish.

The sandy formations do not appear to contain metals, while the calcareous mountain formation contains, at the distance of a quarter of a league to the north of Chiquisistlan, veins of silver and copper, which were anciently worked.

The cinnabar is found, using the language of the miners of the country, in pockets (bolsas) of very irregular forms, composed of earthy substances of but little compactness, or of a conglomerate of the same calcareous matter in fragments of over an inch in diameter, cemented by a white calcareous substance, greyish and yellowish, always in a pulverized condition, or that of vermillion, in ojos or cintas, between the substances of the bolsas, or in the small cavities in said conglomerate. These bolsas which are not disposed with any order, but be-

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tween the capas before mentioned take divers and irregular forms, without being of any great volume, generally terminate in very narrow veins or threads, which the miners follow in their excavations in pursuit of other new veins: the largest generally run more horizontally than vertically, having a propensity to incline to the east, for which reason they have been inclined to be called mantos.

It appears as if, while the strata of the carbonaceous calcareous formations were still in a soft condition, they were differently fissured; the metalliferous lode of cinnabar containing water in suspension being deposited in its cavities, with a portion of the same mass which compose the superficial strata, the result being, that the veins constituting this criadero are very irregular and very superficial.

The common ley of the minerals may be estimated at 2.33 per 100, although oftener it may be much greater than this.

There exist some works of but little consideration in the principal mine called del Manto, which with other various catas, Mercurio, Almaden, Refugio, etc., belong to a company, which at present only work the first. A plan of the working of this mine, with the works projected by the committee accompanies this (those indicated by points) in order to cut all the strata yielding metals in the manto inclined to the N. E.; since from the nature of the formations, there must exist in the space comprehended within the extent of the work, other pockets equally rich and abundant in metals. [Plate 1.]

The cata of Almaden is situated upon a vein apparently of yellowish clayey marl, the size of which varies from one to three varas, with a slope (echado) to the west, strongly marked. In the lower part (bajo) of the same, are regularly found minerals of copper, such as blue and green copper, and, at times, sulphate of copper. It is, moreover, worthy of note, that towards the same part the calcareous matter extends, and towards the red sandy formation is found, as if it were a manto or capa; but, in reality, it is only a superficial fissure filled with substances of the formation before mentioned.

That of the Mercurio is of a similar nature to the preceding.

That of Refugio is upon a great capa de arcilla (white clay), the direction (rumbo) of which is from the S. W. to the N. E., with an inclination (echado) to the N. W.; its size varies from one to four varas, and its direction is visible in a straight line on the surface for more than 200 varas. In the head or creston the arcilla (white clay) is heavily charged with red ochre, and the cinnabar is found much disseminated in the same.

There exist, besides, other small speculations of poor individuals, worked on a very small scale, such as the Saucillo and

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the Socorro, with a geognostic formation, the dominant features of which are such as already expressed.

The individuals of the company reduce the ores of their mines with different kinds of apparatus and with enormous losses; and, as we may say that art in this mining district is still in its infancy, it will be somewhat interesting to describe the methods of working. We will commence then with the method most rude; the reduction or distillation in cántaros used by individuals.

Two parallel ditches are made in the earth, of four or five varas in length, of a half vara in depth, and about one third of a vara in width; they are separated by a mass of solid earth, in thickness one third the width of the ditches, except at the corners, where the two ditches are united, forming a semicircular excavation, which serves as a draught to the furnace, for thus it is called. Two rows of cántaros are placed in each ditch, the bottoms of which rest against the solid portion of earth dividing the ditches, and the mouths of the same being upon the exterior border of the ditch, leaving a space below for the introduction of fire. In the mouth of each cántaro, there is introduced a clay tube, which serves as a condenser. The capacity of the cántaros is such as to contain from one half to an entire arroba; there are sixteen in a row; the mineral with which they are charged is broken into small pieces, and the fire in each operation continues from four to six hours.

This method, although simple, is so rude that much of the mercurial vapor escapes, on account of the porous nature of the cántaros, and the small difference of temperature existing between them and the condensers, for the want of water for the purpose of cooling the same. I remember, however, that called "*per tallus*," anciently used (1728) in the Palatinado. (1)

The company have put in practice a method more perfect; but, unfortunately, badly directed, badly calculated, and in no respect adequate to the nature of the criadero, which requires, so to speak, movable apparatus, since the good minerals are usually found in spots at a considerable distance from each other, in pockets or eyes which characterize the formation of the same, as has already been said.

There is therefore a furnace constructed in imitation of those of Idria, the plan of which was taken from the work on chemistry as applied to the arts, by M. Dumas. But, although in the construction they are regulated in strict accordance with said plans, the constructor lacked a knowledge of the ordinary rules to be observed in the general construction of furnaces.

(1). See in the Museo Mexicano, Vol. 4, No. 4, an article on the sciences, translated from the Dictionary of Arts, Manufactures and Mines, etc. of Andrew Ure, by J. V. de L., in which are described the different methods of the distillation of mercury.

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For instance, the material of which they are constructed is rather a marl than clay, made in the form of wide adobes, a part of which are baked and a part unbaked; these last being those of which the upper part of the furnace is formed, and the first (which after having been exposed to the fire, become twisted and curved, looking like a hollow brick, porous, and wanting in firmness) are those of which are composed the conductors, condensing chambers, and the other parts of the furnace. In consequence of these defects, after the first distillation the furnace cracks, the upper parts fall in or are cracked; notwithstanding which, however, they continue to make in them distillations or burnings, being content with only stopping the openings; so that the company, after spending the considerable sum of $30,000 in the said apparatus, worked with the same for the reasons set forth, with the great loss of 73 per 100, still more than is lost in working by cántaros, by which (*i. e.* by cántaros) from 100 lbs. are extracted twelve ounces (the ley being 2 per 100), working at a loss of 62 per 100.

It is not strange, then, that by this method of working, the company, the primitive capital of which exceeded $28,000, composed of 48 shares at $600 each, should have expended towards the first of September, 1843, $34,113.44, or $5,313.44, more than its primitive capital, paying for each share $710 69 instead of the $600; notwithstanding that within the space of six months, from April to August, 1843, inclusive, there were extracted from the mine of the Manto 2,736 cargas, with a *ley* of 7 lbs. to the carga, which gives as a total.....19.152 lbs.
But from 17 burnings made during this time there
were only extracted..... 5.015 "

There was therefore a loss of.....14,137 "

Or, as we have before said, the distillations were made at the enormous loss of 73.8 per 100. Thus it was, that the company being discouraged with these results, made a contract with the Messrs. Blume and Castaños, who estimated the shares at $800 (more than their real value), promising to invest a capital equal to the nominal value of the 48 shares; receiving in recompense one half of the properties and rights of the company.

This was the condition of the company up to May, 1844, when they had already expended $4,447.76 of the new fund.

In relation to the advantages of situation, few mineral regions of the Republic present such as are equal to this for the working of their mines. There is found an abundance of oak and pine timber, for the construction of works; fuel and iron is here obtained at a less cost ($4 the quintal) than in any other mineral region; and water for condensation and other purposes, there

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being many arroyos and rivers traversing that serranía, and also the articles indispensable to mining enterprises. And further, the low price of labor, from 2 to 4 reales a day (on which the miners lived better than they can in many other places on $1.00) is a circumstance for a well-grounded hope, that a mining enterprise in this district, conducted with intelligence and economy, might satisfy, in part, the views of the Government in proposing to stimulate this important branch of mining. It may be now safely alleged, in relation to this mining district, that notwithstanding the imperfect manner in which up to this time the distillations of azogue have been made, that it has paid the expenses of working, with a ley of 1 per 100 in the products.

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CRIADERO DE SALSIPUEDES IN THE DEPARTMENT OF JALISCO, JURISDICTION OF LAGOS.

Near the hacienda of Puesto, in a region embracing the sierra called Salsipuedes on the east, and Mariquita and Chiringuato to the west and south, there were found in the beginning of the year 1844, very rich minerals of cinnabar. The axis of this sierra has a direction from the south to the north, and from its geognostic character, it appears to be a continuation of the porphyritic quartz formation of the Llano de Pinos in the north. Its base is a white grayish feldspar, which passes to a gray, with much quartz: it has in common with the other porphyritic quartz of the country, ojos, riñones, or veins of oxydized tin (metal of tin), which is also found in the arroyos, subject to the action of the currents, either in separate pieces, or in pockets. The hills and elevations of that part of the region comprised in the space between the Rincon Grande, the valley of las Aguilas and the sierra proper of Salispuedes, is composed of a white quartz rock, which appears subordinate to the grayish porphyry, which at times becomes to be of a milk-whiteness, translucent, with clear and lustrous points of transparent quartz, the variety being that in which the cinnabar is found: others are very ferruginous, of a dark grayish red color, which crumbles, loses its consistency, and becomes to be a loose red sand.

The cinnabar does not form veins or mantos, but appears in the rock itself, penetrating the same in different points, coloring the quartz with more or less intensity. At times it accumulates to such an extent, that it almost becomes to be pure, forming boleos in diameter always small, from a line to a foot. These boleos are always found near the surface, and are irregularly dispersed; at a depth of twelve varas they disappear.

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The minerals of the principal and best mine, that of S. Romualdo, have given generally a ley not exceeding 12 per 100, although there are pieces that yield from 50 to 70 per 100.

Notwithstanding, in all the extent of about a square league, in which about 40 mouths or *catas* have been opened, no vestiges of cinnabar have been found in more than 30; it being an accidental circumstance, that in the said mine of S. Romualdo, a sufficient quantity of boleos have been found together to produce in 9 months about 800 quintales of mineral; the product of the rest of the mines, during the same length of time not being one-tenth part of the minerals of the same ley yielded by S. Romualdo. In this last mine, as also in that of Providencia, the excavations have reached from 38 to 40 varas in depth, yet all to no purpose (en borra) the minerals disappearing, as has already been said, at a depth of from 10 to 12 varas below the surface.

The character of the formation in this criadero does not justify the establishment of regular companies for the working of the same; and thus it is, that to those actually formed, the committee give a precarious existence, but among which, notwithstanding, that of S. Romualdo will be the only one which may have a duration of some years more of existence, on account of the precautions which have been taken in relation to the same, since the company owning it have constructed a very well arranged apparatus for distillation, for the purpose of working at once the minerals which have been procured and are on hand, and which are of a sufficient value to cover the cost of the said apparatus; and also to work the products that may be acquired, since the low price of fuel in those places will enable the reduction of the mineral to be done at a small cost, prolonging, on this account, the existence of this company beyond that of the others.

As the construction of the said apparatus may be of some interest to the miner, we will in continuation copy the description of the same, as given by the committee: "The furnace of a particular description," say the committee, "is of a capacity to contain 50 quintales of metal, which is placed in an iron bowl (taza) which is immediately over the fire, and under the cover (boveda) of the furnace, in such a manner as to receive all the reverberating heat. An ascending channel conducts the vapors to a tower which has a perforated covering, containing water, which continually drops through the holes into the tower. In this manner a great part of the vapors are cooled and condensed. The water with the condensed substances flows in a channel steeply inclined to the lower part of the tower, where it is collected in two large chambers, in order



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to allow the still existing vapors to condense. From these chambers, the water with the quicksilver passes into a receiver (cubo) where the quicksilver is collected. The apparatus is very ingenious; one difficulty, however, being, that the air in the tower adjoining the furnace is likely to become so much cooled as to prevent the fire from having sufficient draught. Who does not remember the shower-chambers constructed by Vivian in 1821, for the condensation of the vapors in the reverberatory furnaces for the reduction of the metals to copper? This difficulty is partially remedied in the furnace of Puesto, by the great declivity of the channel which conducts the water and the condensed quicksilver to the lower part of the tower; since the water must flow from the same with such velocity as to carry with it mechanically much air, which, through the furnace, must reach the tower.

DESCRIPTION OF THE CRIADEROS AND MINES OF QUICKSILVER IN THE DEPARTMENT OF GUANAJUATO.

The cinnabar is found in divers localities in this Department, as hereinafter set forth:

1. In the immediate neighborhood of the Hacienda of the Rodeo and S. Nicolas del Chapin. The geognostic formation of this criadero is a clayey porphyry, with crystals of feldspar, brittle and decomposed; it contains also grains of quartz and small sheets (laminitas) of grayish-black mica. Its minerals are quartz, colored with cinnabar.

2. Cerro del Pinalillo, at a distance of 14 leagues to the S.W. of the capital. The formation of this is sandy, with a clayish base, containing fragments of pumice-stone and slate impregnated with the oxide of iron, and besides very small crystals of quartz. In the position of the strata it is observed that upon the sandy formation there rests a conglomerate; upon this a layer (capa) of clay of a gray ash-color, and yellowish gray, colored by the oxide of iron, and upon which is the vegetal earth. The minerals constitute a breach of quartz masses connected by a clayey mass in which the cinnabar is found, and at times it penetrates the quartz. The ley of the clean products is of 2.80 per 100. The works are still in a state of catas and activity. There is an abundance of fuel, and clay and sandstone for the construction of furnaces.

3. Mineral of Centeno. Its geognostic formation is a sandy quartz of a fine grain. The threads of cinnabar in the criadero run from north to south at right angles with the direction of the lajas of the mountain. In relation to the position of the layers (capas) it is observed that upon the sand formation there rests a capa of luminous stone, luminous slate? The ley of

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the clean products is of 4.00 per 100. The works are superficial, without order, and are abandoned. It has everything necessary for the working of the mines and the reduction of the minerals.

4. Cerro of the Giant. The mines are situated at the skirt of said cerro, at the distance of six leagues from the capital. Its geognostic formation consists principally of a capa of a yellowish gray sand-stone stratified, and porphyry with a sandy base. But it is observed in the position of the capas that upon the sandy formation there is a capa of horny stone (piedra cornea), and upon this another of shell-stone covered by a capa of red sandy clay, very soft in the criadero, and hard when taken from the same; this contains, attached to its surface, a carbonaceous substance, which forms on it and on the capa of esteatita above dendritic figures. On this capa of esteatita there is a manto of two or three varas in thickness and of considerable extent (near two leagues), and upon this a porphyry formation with a clayey base, which contains crystals of grayish white feld spar, grains of esteatita, and layers of gray mica. There exists another below the one already mentioned, and another at a still greater depth; wherefore it is necessary to cross them with a vertical shaft in order to examine them. The minerals consist of an esteatita impregnated with cinnabar and large loose stones, or stony masses and horny stone penetrated by native mercury. The ley of the products (pepenados) is of 4.00 per 100. The circumstances of situation and the particular advantages of the locality are favorable for the working of the same. The mines are sheltered.

5. Mountain called del Toro. At eight leagues to the north of the Gigante, are situated the mines of Toro del Capulin and Clavellinas, and the new ones of Providencia and El Refugio. In that of Toro the geognostic formation is a sandy porphyry, containing grains of quartz and a very little feldspar. The vein crosses the hill of Toro in a N. W. direction; the mountain is also crossed by various threads or cintas of cinnabar in all directions, or rather, some in the direction of N. E. and S. W. The minerals are quartz penetrated by cinnabar, with which it is more or less colored. The ley of the clean products is of 1.62 per 100. The mines are abandoned.

The mine of Providencia is situated in the depth of a cañada distant about four leagues to the north-east from the mine of Toro. The rock surrounding (en que arma) the vein is a lime-stone, which alternates with shell-stone, and a clayey red sand-stone. The lime-stone rests upon the sand-stone, and this upon the shell-stone. The vein has a north-east direction, with a slight inclination to the south-west. The ley of the ordinary production is of 4.3 per 100. The labors are scarcely catas.

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The geognostic formation of the mines above mentioned is identical with those that have just been discovered. The last, that of Refugio, is now being worked; it has a depth of from 8 to 10 varas, the average products giving a ley of 2.40 per 100.

6. Mineral of S. Juan de la Chica. The geognostic formation of the criaderos of cinnabar which are found in the same, is a sandy porphyry, placed upon shell-stone and covered by a lime formation, upon which is found the vegetal earth. The vein runs in a north-west direction, with an inclination (echado) to the south-west, and is from 2 to 7 varas in width. The cinnabar is disseminated in the matrix in rich threads of a very variable thickness, the widest being half an inch in thickness. The ley of the products reaches 8.20 per 100. A particular circumstance in this formation is, that parallel to the vein of quicksilver, and at a horizontal distance of about 40 varas, there is found a vein of native gold in quartz. Finally, in the mine of which we speak there are some old works, which are in ruins.

7. Cerro del Fraile, distant 3 leagues from S. Juan de la Chica. The formation of this is a clayey porphyry. The mineral is very scarce and is found in spots (pintas) of cinnabar.

8. Place called Palos Colorados. This point does not merit any consideration. The mineral is quartz colored with cinnabar.

9. Mine of Guadalupe, situated in the mineral region of Targea. The geognostic formation of the criadero is alpine limestone, the capas of which alternate with others of piedra de toque (test stone) and bituminous slate; in the first and last of these rocks there are found very irregularly disseminated riñones of cinnabar up to eight inches in diameter, always with a matrix of a calcareous formation, and at times with crystals in the interior of calcareous spar of the color of yellow wax. The cinnabar of the riñones is hepatic, with a medium ley of 23.40 per 100. When the committee (1) saw this mine, the works were superficial and were sheltered. They were of the opinion that it would be advisable to run a vertical shaft in order to examine all the capas in search of the one abounding most in riñones, or of some manto; that besides, said shaft was indispensable in case of working the mines for the purpose of draining the same, since the water will probably be abundant on account of the local circumstances of the same.

10. Mineral of S. Pedro de los Pozos. The formation of the criaderos in this mineral region is also alpine limestone, the same as that of Targea. The cinnabar, accompanied by oxydes of iron, is found in threads running in a N.W. direction, and with an inclination (echado) to S.W.; of a width varying from

(1). Composed of the Señores Don Ygnacio Alcocer and Don Benito Herrera.

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one-third of an inch to two inches in width; of a ley of 0.30 in the common products, and of 2.20 in the clean products. The works up to the present time are insignificant. The advantages of locality are unfavorable for the working of the mine on account of the scarcity of the materials indispensable to the object.

There are, lastly, some observations to be made in relation to the criaderos and mines of quicksilver already described in the Department of Guanajuato, which are: that the impossibility, from the nature of things, of being able to make an exact computation in relation to the costs of extracting the minerals, and the working of the same, has made it preferable to calculate the ley; that in order to cover expenses, it is necessary for the fruits of the mine to yield, proceeding on fixed data which form a basis for subsequent calculations, according to the condition which the mines may present in the future. Thus, supposing that of the mineral extracted from a mine, only one-fourth part is worth working—the ley necessary in order that the mine may pay expenses, calculating for the ordinary expenses, is 0.91 (centesimas)—supposing that the quicksilver is worth in the market $125 the quintal. Besides, the committee thus expresses itself in relation to the necessity of commencing some important works in the same: "If in the silver mines the rule had been observed, which up to this time has been sought to be established in relation to the mines of quicksilver; that is, to abandon the same when the fruits thereof do not pay expenses at the depth of twenty, thirty, or at most sixty varas; the Republic would have found itself, with very few exceptions, deprived of the same, and of the enormous riches which they have produced."

### DESCRIPTION OF THE CRIADEROS AND MINES OF QUICKSILVER IN THE DEPARTMENT OF SAN LUIS POTOSI.

The small Pueblo of Durango is situated at a distance of 22 leagues to the S. W. of the capital of the Department to which it belongs, in a valley of small extent, through which flows an arroyo, which has its source in a group of mountains 3 leagues to the south of the same pueblo.

The region is composed of porphyritic quartz, with a base of feldspar, with crystals of the first and of brittle feldspar; porphyry which not only forms groups of hills of little elevations, but which is also found on the plains forming the drain of the arroyos, and extending towards all parts. Subordinate to this, is found capas of porphyry, with a base of shell-stone, of a black color, which passes to a dark green by the hidrato silizoso of the constituency of paste, at times, of the lustre of wax, and with crystals of common yellowish feldspar.

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In the concavity, so to speak, in which the porphyry is formed, and which constitutes a small valley, there exists a formation of a subsequent deposit composed of layers (capas) of marl and white clay; which layers (capas) are sometimes limited by the sides of the same valley, and at other times extend towards its slopes. These capas cover a manto of cinnabar at a depth of 15 varas, which extends from south-east to north-west, from 300 to 350 varas, and in a direction perpendicular (at right angles) 100 varas or more, with a medium thickness of one vara. This, in its limits, is clearly terminated by the borders of the porphyry, occupying the deepest spaces, as if at the time of the arranging of the metalliferous earths, the cavity being clearly formed, these being the heaviest took their positions first, occupying the lowest parts; so that although the superior capas at times continue towards the slopes, they rest immediately upon the porphyry, as is seen in some ancient excavations which are found under such circumstances.

As is shown by the investigations of the individuals appointed to examine this criadero, the Señores Ernesto Berger and Antonio Blanco, the said manto or capa is entirely exhausted, presenting now only a heap of ruins in consequence of some very irregular works subsequently commenced; the hope of finding another new manto at a greater depth, as some have pretended, being altogether chimerical; we will not enter into further particulars than merely to make a slight review of the origin of its fame, and of the different enterprises of which it has been the object until it has reached its present condition.

Baron Humboldt says in his political essay, in relation to this mineral, as follows: "The mine has had great celebrity in the country, not on account of its richness, which is less than that of S. Juan de la Chica, but because it could be worked á tarjo abierto, and because of its large yield of ore.

During the year 90 of the last century, the time of its greatest production, there were in a few months extracted 70,000 cargas of mineral of a ley of $\frac{1}{3}$ per 100, which produced 700 quintals of quicksilver, and notwithstanding this yield it did not pay expenses, which caused the mine to be abandoned; so that when Baron Humboldt saw the same, it was already inundated and partly in ruins, and according to his judgment, it could not have been profitable to resume the working of the same. But at that time the price of quicksiver was $41 the quintal; so that the value of 700 quintals was not more than $28,000, placing the cost at $3\frac{1}{2}$ reals a carga of metal, which would not cover the expenses of the enterprise, which had to receive derrumbes, and to cause considerable drainages to be made in the mine, and besides to pay a high price for the fuel necessary for working the minerals.

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A short time afterwards, quicksilver having risen to the enormous price of $150 per quintal, first on account of the Peninsular war, and afterwards on account of the war of independence in Mexico, and lastly by reason of the monopoly to which the quicksilver of Europe is subject, the criadero of Durazno again attracted the attention of speculators.

At first it was only worked by those who in the country are called buscones, who in order to maintain themselves, worked by the means of cantaros the little metal that they could obtain by their ruinous excavations, throwing down (tumbando) here and there that which they found, and which had escaped former workers. It naturally resulted from this pernicious method of working, that many works having been ruined or covered up, others became inaccessible, in which there were still remaining minerals, which, in a regular manner of working, might have been obtained.

Subsequently a company formed in San Luis Potosi, commenced anew in the year '30 the working of these mines; they worked al partido but at the same time other works were commenced. A shaft was run for the purpose of draining the mine, furnaces were constructed, and the small fruits which the buscones were able to extract were worked. But the principal object of the enterprise was not the exhausted manto, but that the labors might be prosecuted in search of a second virgin *manto*, which it was supposed would be encountered below the first. For this purpose the said shaft was commenced, which, after having been sunk 36½ varas, was found to be imperfect, its dimensions in the plan being less than what were given it above, commencing from the mouth. A new shaft called "de Esperanza" was consequently sunk close to the first, which has already reached the depth of 40 varas without encountering anything. Indeed, all these works have been entirely useless, and the continuation thereof extravagant, since for geognostic reasons, when once the manto is reached, all hope should have been given up, because this is not in the porphyry but upon it; and as a depth had been reached in which the character of the formation towards the lower part had changed, encountering the porphyry of a more ancient formation, the continuation of this work could only have been the result of ignorance or caprice.

The company has therefore found itself obliged to suspend all its labors in the mine of manto, after suffering a loss of about $30,000, excepting the insignificant value of the quicksilver extracted. But notwithstanding this, the Sōr. Don Andres Barroeta, encharged with the direction of the business of the company, has not ceased to continue his explorations, and

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although not exactly in the Durazno, but a little more to the south in the mines of the Pedernal, a little quicksilver is still being extracted. Wherefore we will pass to the discovery of these last.

CRIADERO OF THE PEDERNAL.

The loma of the Durazno is united on the part of the south with others of the same formation with it, separated by hollows of small extent, and limited on the east by the same arroyo which passes by the northern skirt of the first. In one of those lomas distant from the last about a half a league, is found the said criadero.

A great crest (creston) of quartz, which runs from east to west, with a slope (echado) to the north, and which extends above the surface in some places to the height of 8 varas, has been the object of the former and present labors at this point, notwithstanding that in all the intermediate extent there is the porphyry crossed by wide veins of quartz and *jaboncillos* (decomposed feldspar) with spots of cinnabar.

The said creston, of the width of sixteen varas, is composed of compact grayish white quartz, with many transparent spots, which gives it a porphyritic appearance, and *jaboncillos* in abundance, which constitute the softness of the mine. It is irregularly divided by many vertical fissures and the *jaboncillo* contains fragments of quartz enveloped in the same. The cinnabar gradually penetrates, or rather colors the quartz; but it is found particularly disseminated in the jaboncillo, or in the form of threads or *cintas*, extremely irregular, which are those that are followed in establishing works. The *ley* of the fruits is from 7 to 8 libras the carga, or of 2.5 per 100.

On this wide vein, running from east to west, various excavations have been made, named mina Blanca, mina de S. Roberto and mina Grande, which have reached a depth of 50 varas, with a prospecting well in order to examine the vein, the other works extending about 35 varas in a horizontal direction. There is besides a *sobacon* called S. Andres, the entrance of which is about 300 varas to the south-east of the mouth of the mina Grande: it commences with a vertical well of 9 varas in depth, and continues horizontally in such a direction as to pass below the planes of the mines that are known; notwithstanding, that which is encountered in the lower part of the vein, which is a decomposed porphyry, does not prove to be of any value whatever. The *cuele* in all these mines is done with bars, and rarely with *cuña* and hammer, without the necessity of augers and fuse, and consequently of gunpowder.

The quantity at present extracted, (1844) is reduced to about

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35 cargas weekly, which are transported to Durazno to be reduced in furnaces and *cántaros*, which being somewhat different from those used at Capula, we will briefly describe:

The furnaces are circular, constructed of adobes, with an opening below and above of about a vara in size for ventilation, terminating above in the form of a sugar loaf. They contain from 20 to 30 cántaros of such capacity as to hold one arroba, which are placed in an inverted position upon vessels (allas), filled with water, which are burned in the floor of the furnace. The connections of the two mouths are stopped with wet ashes.

The cántaros charged with mineral being arranged in the position as expressed, the intermediate spaces between them, and above them, up to the spaces left for ventilation, are filled with a species of combustible matter called mezote (leaves of dry maguey) which gives a feeble heat; care is taken to close the door with bricks, to stop the current of air which would produce an active fire.

This being done, the fire is lighted above, maintaining a moderate combustion.

The operation continues twenty-four hours; in the morning the càntaros are charged and arranged, and on the day following the product is collected.

This manner is altogether similar to the most ancient method of proceeding, which was in use in the Palatinado, and which was called "*per descensum.*"

The total product of these mines from the middle of November, 1840, to June, 1844, reaches 8274 libras 15 ounces of quicksilver; but it is not known certainly from what number of cargas this was produced, the whole of the same not having been weighed. Supposing that during the whole of the said time the works may have been maintained in the same condition as at present, when 22 libras of quicksilver are obtained from 77 cántaros charged with mineral, from 8274 libras have been the yield of 2413 cargas, 8 arrobas of minerals. But as there exist in the books of the company the amounts of azogue entered in S. Luis in three different periods, it may be ascertained under the aforesaid supposition the number of cargas which produced the same, and besides, the progress of the production, as is shown by the following data.

| | | | Azogue. | Produced from. |
|---|---|---|---|---|
| 1st period: | from November 40 | to July 43 | 3444 lbs. 4 oz. | 1004 cargas 5 arb. |
| 2d " | " August 43 | " Dec. 43 | 2103 " 11 " | — 613 " 7 " |
| 3d " | " January 44 | " June 44 | 2727 " 11 " | — 795 " 8 " |

Or metal produced by the month:

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| In the 1st period | 31 | cargas of | mineral | give | 107 | lbs. | 10 | ozs. | of | quicksilver. |
| " " 2d " | 122 | " | 8½ | arbs. | 420 | " | 10 | " | " | " |
| " " 3d " | 132 | " | 5½ | " | 454 | " | 8 | " | " | " |

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It is thus seen that the product has gone on increasing; in the second period, it was four times more than in the first, and the third, increased 8 per 100 in comparison with the second.

There have been extracted an average of 3½ libras of quicksilver to the carga, but the ley of this is from 7 to 8 libras, so that, of the actual contents, there has been lost in distillation more than 50 per 100. Thus it is, that during the space of three and a half years, there have been lost by imperfect working about 9000 libras, that is to say, $12,600, which it amounts to placing the value at $140 the quintal of quicksilver, according to the market price. An amount greater than the product, $11,584, of the azogue actually sold.

Finally, the scarcity of fuel in this mineral region is one of the principal difficulties, as also the scarcity of timber in case it should be needed in securing the mines; notwithstanding, as all the region presents a favorable appearance for a considerable production, the committee recommends, as an enterprise worthy of a protecting government, that there be a minute examination made of all the *crestones* which appear on the surface, by means of *catas;* as also in the hollows or concavities similar to that of Durazno, by wells or shafts; it being very probable that new *criaderos* may be discovered, such as that of the Pedernal, or deposits in mantos or capas similar to that of Durazno. It is worthy of note that the cost of these examinations will not reach the small sum of $4,000.

### CRIADERO OF CARRO.

Is situated on the hacienda of the Carro, pertaining to the Department of S. Luis Potosi, at 18 leagues E. S. E. from the City of Zacatecas, 12 leagues W. N. W. from Pinos and 3 to the north of Los Angeles. About two leagues to the north of this hacienda, a group of hills elevate themselves, called the Serrania of S. Miguel, being a conglomerate of red clay and others of various colors. This conglomerate contains fragments of dark gray lime-stone, from a line to five inches in diameter, of touchstone (*piedra de toque*) grayish white quartz, and rarely red porphyry with a base of feldspar. It rests upon a porphyry which in the plain of Carro appears in long flattened hills. This porphyry is curious in its structure, since it is always found *ampolloso* (blistery) in depth, and never superficially; it forms a mass of a color from obscure red to rosy red, containing abundance of crystals of common feldspar and quartz, with the *ampollos* (blisters) filled with green earth, and with a clayey substance of yellowish green, hard and porous. The separating fissures of this porphyry are frequently covered

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with *hialita*, which is apt to pass into chalcedony or semi-opal; at the same time it is not uncommon to find crystals of quartz which pass to *hialita*.

Probably the conglomerate of this serrania has been formed from the debris resulting from the distinction of the formations of the mountain lime-stone (*caleza de montaña*), slaty clay and *vacia gris*, which formerly must have covered a great part of the extent of these places, having been either interrupted or overturned by the porphyry. There still exist in the immediate neighborhood of the Carro, in the cerro of Los Angeles to the south, that of La Pastoria to the west, and even in the intermediate plain, the rocks, from the fragments of which is composed the small serrania of S. Miguel. In fact, the formation of the two first montañas is capas of carbonaceous calcareous matter, upon slaty *vacia gris*, which alternates with slaty clay; all of which are rocks which may be recognized in the conglomerate of the group of the cerros of San Miguel.

Half way up the northern side of the hill of San Miguel, a vein passes with a direction (*rumbo*) 7 h. $\frac{1}{2}$, an inclination (*echado*) of 60° north and of $1\frac{1}{2}$ varas in width; its matrix is baryta, at times beautifully crystalized, quartz, ferruginous pebbles and very clayey marl of a reddish white, containing much cinnabar; also, this is usually accompanied by gray, fibrous iron. This vein is confined to a little depth, reducing itself to a *cinta* of quartz and baryta of the width of only a few inches, without any variation of its nature on increasing its depth.

There is besides a clayey *capa* with some vestiges of cinnabar, of a thickness of 14 varas, and with an inclination (*echado*) of from 16 to 20° to the S. E. in the conglomerate; upon this there is a *rebosadero* or deposit of many other composits of marly clay and jaboncillos, with cinnabar, which entirely disappear at a little depth. Experience has shown that the *capas* which are very rich on the surface decrease in richness towards the interior of the hill, proving that these criaderos are only superficial, and that the rich points of the same are to be sought towards the detached parts of the mountain.

The *ley* of the minerals has reached 3 per 100. There is an excavation of 210 varas, and a cañon upon the last capa, already spoken of, of 230 varas in length.

Señor Carrera (administrator of the hacienda) who has worked these mines, constructed a furnace for distillation, which, if imperfect, still gives evidences of the extraordinary practical talent of its constructor. It is of masonry, of double walls, with 22 condensing chambers, the last of which terminates in a chimney in such a manner that no vapors can escape by the same. These chambers are constructed of hard burnt

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brick, and are supplied with *ollas* placed one above another in order to present a greater surface, in this way facilitating the condensation. It is charged with 280 cargas of mineral, in the form of adobes, the mineral being of an earthy character. The burning continues 6 days, and as many more are required for the furnace to cool; the whole operation requiring 16 days. The cost of the fuel consumed in each burning is $40. The principal defects of the furnace are: that the mineral does not rest upon arches, as in the furnaces of Idria, but upon the ground or floor, and consequently the fire cannot act upon it from below, but only on one side, in the same manner as in the reverberating furnaces; the great length of time the burning continues, in consequence of the arrangement of the hearth, added to the time required for the cooling of the furnace, on account of the double walls of the same; and lastly, in the *ollas* much *ollin* is formed, which envelops many small globules of quicksilver, causing considerable loss.

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DESCRIPTION OF THE CRIADEROS AND MINES OF QUICKSILVER IN THE DEPARTMENT OF ZACATECAS.

Two leagues to the west of the city of Pinos, in one of the lomas or colinas (hills) which commence at the skirt of the great *serrania* of this mineral region, and which extend to some distance on the western side, until they are lost in the extensive plain leading to Zacatecas, Aguascalientes, etc., are found the criaderos of cinnabar, which will now occupy our attention.

The serrania of Pinos, high, rugged and sterile, which appears to extend on one side as far as the Peñon Blanco, and on the other to the Sierra of la Pila and of Mezquitique near S. Luis Potosí, is composed principally of red porphyry, with a base of feldspar, with crystals of the same, and occasionally quartz. In the most elevated hill of the group (cuesta de la Gallina Gorda) are observed large masses of porphyry, with a base of shell-stone, with crystals of feldspar. The porphyry assumes a stratification in three *capas* inclined 30° to the N. E. In the valleys as well as on the sides of the mountains, a red clayey conglomerate is found upon the porphyry, and upon this others of a pasty whitish calcareous matter. The fragments of which these conglomerates are composed, are for the most part yellowish gray caliza (calcareous), test stone (*piedra de toque*) and porphyry. Here, as in the Cerro, are seen the remains of great formations, which were probably destroyed when the porphyry made its appearance, and before this was elevated to its present height. Upon the conglomerate is found lastly the *caliche* in different capas, alternating with thick banks of clay, lime and marl.

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Signs of these formations are also found very near Pinos, to the west, and south-west, where the calcareous matter is found covered with a compact gray sand-stone, without petrefaction, containing between its capas *piedra de toque* (test stone.) Besides, there is found another porphyry, different from that already described, surrounding the calcareous formation, which at the distance of 5 leagues to the north-west of the city forms a small mountain, traversed by veins of quartz with tin. It is seen then, that there have been other causes besides the elevation of the high serrania of Pinos, which influenced the inclination of the calcareous capas.

At about two and one-half leagues to the west of the city of Pinos, the gray sandy and the calcareous formations disappear, and are substituted by capas of different earths, clay, lime and marl, or jaboncillos with ojos of cinnabar, or penetrated by it in different points. The thickness of these capas in this place (criadero of Coyaso,) is more than 60 varas; and about 700 varas to the south of this, is that of S. Pedro, where the thickness of the same capas do not exceed 15 varas, resting immediately upon the porphyry. This last was discovered in the year 1844, and was worked by the Sor. Carrera, who had (from April to June) already extracted with three *paradas*, 240 cargas of minerals of a ley of 2.50 per 100. Notwithstanding this, as the capas containing the same rest immediately upon the porphyry, which has already been tested by the excavations which have been made to some depth, it turns out that those criaderos are of no great importance.

### CRIADERO OF LOS HUAJES.

At a little more than 20 leagues to the north of the city of Guadalajara, is situated the hacienda de campo de Sta. Rosa, pertaining to the Department of Zacatecas, and forming part of its boundaries on the south with Jalisco: three leagues to the west of this hacienda, and six to the south of the mineral of Mezquital del Oro, is situated the rancho of los Huajes, on the right hand side of the river Juchipila, a little above its junction with the large river of Santiago.

The rocks found in the very deep barranca which connects the first with the second of these mines, are red porphyry with a base of feldspar, which passes to horn stone (*piedra crrnea*) and *almendrillas*. In the same rancho and its neighborhood this porphyry takes an appearance more resembling clayey or clay-stone porphyry, and the hill containing the veins of this criadero, at a quarter of a league from the rancho, consists of the same porphyry.

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There appears upon the skirt of this hill a crest (creston) formed of various *cintas* of quartz, from two to four fingers in width, with divers inclinations (*echados*), comprehending an extent of from two and a half to three varas in width. Its direction (*rumbo*) is from N. E. to S. W. The cinnabar is found principally in those small veins of quartz, and at times penetrating the rock of the *respaldos* (sides) to considerable distances; it sometimes happening that this gives a higher *ley* than the small veins themselves. The richest metals are found in an earthy porphyry near the surface, of a *ley* of 3 per 100; while the metalliferous cintas rarely give 2 per 100; the common *ley* is 1 per 100.

By the northern falda, these start from near the apex (*cuspide*) of the hill, and passing towards the lower part of the same, a species of round borders (*bordos*) or crestons, from three to four varas in thickness, of an intermediate longitude, and which are perceived by the color of the rock composing the same (brick red), and by its elevation above the surface of the falda, naturally causing small undulations in the same. At the side of one of these borders (*bordos*) there has been made a small excavation, from which have been extracted fragments of the rock to which are attached particles of cinnabar of a clear color, and which contain some irregular *cintas* of calcareous spar; but toward the summit these *cintas* which follow the direction of a *creston* are more clearly formed, from four to six fingers in width, and are accompanied by the red oxyd of iron in masses, and other earthy oxydes of the same metal.

In this part of the hill no examination has as yet been made, and it would be proper to seek a well of some depth at the point where the two borders aforesaid meet. But notwithstanding this, and the abundanee of fuel and water existing in the neighborhood, the veins are so narrow and uncertain, and the mass of the rock impregnated with cinnabar is of such small *ley*, besides the unfavorable topographical position of the place, that this *criadero* presents but little prospect of becoming an object of great interest in mining.

### CRIADEROS OF SAN COSME AND OF BAÑON.

The first is found in the neighborhood (a quarter of a league to the east) of the Pueblo of the same name, which is distant about fourteen leagues to the north-east of Zacatecas. It consists of a vein of quartz with points (pintas) of pure cinnabar; it is surrounded with or armed in a red conglomerate composed of fragments of black calcareous matter, test stone (piedra de toque,) and compact quartz, cemented by an impure ferruginous clay. The vein runs in the direction 9 hours of

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the German compass; it is almost vertical in its slope (echado); it appears to be of considerable extent, but its surface is covered with a thin layer of gravel, which prevents the examination to any great distance. Besides the quartz, it contains some calcareous spar as the matrix.

The "catas" of Bañon (thus named from a hacienda, distant from Zacatecas 8 leagues to the east,) are in some hills of mountain lime-stone, the layers of which alternate at times with others of test-stone. The course (rumbo) of the vein, apparently, is two hours by the compass, and its inclination thirty degrees to the west; but this is not a regular vein, only some branches of quartz and clay with some cinnabar, which fill the superficial crevices of the mountain, wherefore they merit no consideration.

MINES OF TEQUEZQUITE—NEIGHBORHOOD OF THE PUEBLO DE MELILLA.

The mountain of Tequezquite, which belongs to the red sandy formation, is interrupted by masses of porphyry with a base of feldspar, which crops out to the surface in the form of great veins or *crestones*. The group of the sandy formation, contains a conglomerate of clay and lime (which in some places forms pure sand, and in others oolita) a variety of limestone, and extensive layers of red clay.

This formation is more ancient than that of the porphyries of feldspar, because among those fragments of conglomerate there are found no vestiges of porphyry. Upon this formation, porphyry forms the culminating points of the highest hills. In a similar manner and in continuation of this, is presented augitic porphyry (*Melaphyre*) which passes to *Mandelstein*.

The veins of this formation generally assume a direction between the hours of four and eight of the compass, from which it is deduced that the longitudinal axis of the land elevated by porphyric masses, have a direction from west to east, or more exactly W. N. W. W. to E. S. E. E. as is shown by the plan. [Plate 2].

Professor Hopkins, of Cambridge, has demonstrated that the elevation of a large extent of land by continual force must form fissures corresponding to its longitudinal axis, and upon these others perpendicular to the same. An exact investigation, and which extends towards the east and west of Nieves and Melilla, the maximum points of the Sierra Madre and its continuation with the mountain of Nieves will demonstrate if the veins of porphyry as principal longitudinal fissures, or as diagonal fissures, subordinate to the Southern Cordilleras of Mexico.

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From the resemblance between the veins of cinnabar of Tequezquite, and the principal veins of porphyry, it may be deduced that their origin was not posterior to but contemporaneous with the elevation of the porphyry.

The said veins are really branches of quartz, that intersect the conglomerate. The presence of cinnabar as the result of sublimation, and the fact of the adjacent rock being impregnated with it, appears to indicate that it rose from below in the form of vapor, and was condensed upon the compact stone in the globular form, and impregnated the earthy masses. The cinnabar then is found in veins in the conglomerate of the group of red sand-stone, which is upon the porphyry, and to which it probably owes its introduction into these fissures (1). Now, after that land had been formed in its fundamental physiognomy, there followed to the platonic elevation of the porphyric masses a watery precipitation, which was composed of all these recent layers of calcareous matter known under the name of "caliche."

Finally, the general covering in the valleys and neighborhoods of Tequesquite is a porous clay, in relation to the knowledge of which, the discovery of certain shells will afford more light.

In the centre of an ample and extensive valley, less than one league to the west of the pueblo of Melilla, the multitude of venas or cintas of quartz of which we have spoken, cross each other without much uniformity in their direction (*rumbo*) and inclination (*echado*) ; we may nevertheless adopt as a medium course, that of north-east, 60 degrees, and of inclination, 70 degrees to the north-west. The small veins of quartz, which number at least twenty, comprehending a breadth of twelve varas, are of very different thickness. Quartz is the common matrix, and is found as well crystallized as in masses, the first form being that in which are found the richest specimens of cinnabar; which is at times in small particles uniting in masses which fill the hollows of the quartz crystals, forming plates of the thickness of half an inch. It is also apt to be found in small riñones, (kidneys), formed by the grouping of small crystals, the surface of which is marked with lines; occasionally with small globules of native mercury. There is also calcareous spar, as a matrix, sometimes crystalized. The small veins of quartz traverse and penetrate the clayey conglomerate, heavy charged with foamy talc, much disseminated in many

(1). We have faithfully extracted the geological description given by Sor. Berger, of this and other mineral districts, founded upon the elevation of platonic or igneous masses, notwithstanding we entirely disagree with these principles, because that the theory of central heat, or an incandescent nucleus of the earth, cannot be sustained. And we think that the arguments cited in its favor, are sufficiently disproved by the experience of some years of subterranean work in deep mines.

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places. The small veins of quartz are separated by a brown clay, sometimes yellowish, penetrated by earthy talc, which at a small depth is found mixed with carbonate of lime.

These earths are the principal products, since, besides the small particles of cinnabar which they are apt to contain, they are more or less penetrated by this mineral. Even the clay which cements the conglomerate contains at times pulverized cinnabar, and this is not only the case in the immediate vicinity of the veins, but extends to the distance of many varas towards the "*respaldos*," it having been found in pieces of the same dug up at 20 varas from the veins.

The average "*ley*" of the products (generally earths) is 2 per 100. The highest of the good earths reaches to 8 per 100.

The mining, as is noticed by the works near the surface, is very regular; they are inundated; the water has risen to within 10 varas of the mouth of the well. The depth that has been reached in these mines, according to recent notices, is 60 varas. They were worked by an English company in 1834. The timber for securing the mine bears the same price as in Zacatecas. There is not sufficient water for condensation and other purposes; the river Melilla is half a league distant from this place.

Supposing that the minerals continue constant in depth, there would be a weekly extraction of 500 quintals, or a product of 16 quintals of quicksilver, and supposing the cost to be one dollar for every 2 libras of quicksilver, as the expense of extraction and the working of the same, the mine would then yield a moderate profit, or at least pay expenses, a circumstance appreciable to those who, for patriotic views, propose the advancement of this class of enterprises.

To the preceding extract from the "*informe*" which was presented to the Junta de Fomento by the members of the committee for examination of the "*criaderos*" and mines of quicksilver of the Department of Zacatecas, Dr. Erneste Berger and D. Antonio Blanco, it is proper to add the opinion in relation to the same given by Professor del Rio at the request of the Junta de Fomento, as this fixes by a sound criterion the true geognostic formation to which the first belong. His opinion is as follows:

"It appears that Dr. Berger treats of variegated sand-stone (*Bunter Sandstein*), calcareous shells (*Muchelkalk*), and kéuper or variegated marl, that are now united under the name of *Trias*, being three, or of the formation *Poiquilítica;* that is, of various colors.* * * The Trias are rich in marine salt, but what is asked of us is quicksilver."



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The preceding descriptions are those of the criaderos of five principal Departments of the Republic (not including that of Mexico except the southern part), being the only ones in which it has been possible to carry into effect the dispositions of the decree of 25th September, 1843; we are wanting in a proper knowledge of a great part of the vast extent of the Republic, the mineral wealth of which, with perhaps the exception of the mines of silver and gold, is yet unknown to us, notwithstanding that besides its rich deposits of precious metals, there exist, especially in the Departments of the north (Sonora, Sinaloa, Chihuahua, etc.), specimens of pure cinnabar and native quicksilver, which certainly indicate rich and abundant criaderos.

Therefore, the interest that must be felt in this class of investigations augments in proportion to the increase of sure indications in our soil of the existence of rich and abundant deposits of mercury.

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## CONSIDERATIONS UPON THE ANNUAL PRODUCTION AND EXPENSE OF WORKING OUR QUICKSILVER MINES.

As with respect to the production of which our deposits of cinnabar are susceptible, we cannot establish fixed data, in consequence of the variation, inconstancy and irregularity with which the greater part of them have been prospected, we will content ourselves with presenting here an estimated calculation of the quicksilver that, under favorable circumstances, the mining being active, has been produced at divers recent periods; and starting from this point we may be allowed to suppose that the progress of the work will continue regularly, and that the products will be constant, in order to be able to estimate, then, of what annual production they are capable.

| | |
|---|---|
| Thus, then, we already know that the mines of Capula produced for the months of April to August of '43, 5.015 libras, or per month..... | 1.003 libras. |
| Besides, that which was yielded in the same time by the small speculation of the operatives..... | 200 " |
| From the mine of San Romualdo were extracted in nine months 800 quintals of mineral, which should have produced on reduction 9.600 libras, per month estimate..... | 100 " |
| The mines of Pedernal produced from November, 1840, to June, 1844, 8.274 libras 15 ounces, per month..... | 192 " |
| The mines of Carro produced for the year '41, 16,000 libras, and supposing these to have been | |

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| | | | | |
|---|---|---|---|---|
| obtained during the whole of the year, the monthly result would be..... | | | 1.333 | libras. |
| From one of the mines of Pinos (San Pedro) there were extracted in about three months, 240 "cargas" of metal with a ley 2.50 per 100; which should have produced on reduction 600 libras, or monthly..... | | | 200 | " |
| Total..... | | | 3.028 | libras. |
| Therefore, under such circumstances, the estimated annual production would reach..... | 363 | quintals | 36 | libras. |
| But it is necessary to add that which is actually known to exist in other mineral regions and new mines, such as that of Guadalcazar and various mines of Capula, valued at: | | | | |
| New mines of Capula (1)..... | 117 | " | 00 | " |
| Mines of Guadalcazar (2)..... | 1.080 | " | 00 | " |
| Sum total, or estimated annual production..... | 1.560 | quintals | 36 | libras. |

We observe, moreover, in relation to this production, that excepting the quicksilver obtained from Carro, Pinos, and that from the mine of San Romualdo (criadero de Salsipuedes), by a proper distillation of the metals, that of all the other districts is the half, and even less than that which the minerals produced really contain, by the loss of more than 50 per 100, on account of their having been reduced in rude and imperfect apparatus.

| | | | | |
|---|---|---|---|---|
| So that, deducting from the estimated annual product..... | 1.560 | quintals | 36 | libras. |
| (1.333 † 200 † 100, of the Carro, Pinos and Salsipuedes), or..... | 16 | " | 33 | " |
| We have a remainder of.... | 1.544 | " | 3 | " |

(1) The "Jalisciense" of the 29th of August, 1845, contains some notices in relation to the condition and production of the mines of quicksilver in the district of Capula (Mineral Martinez); its productions are as follows: "In a few months," it says, "there were exported from one mine alone (el Manto) 800 libras of quicksilver. The mine of S. Benito produces weekly 6 arrobas of quicksilver; with an apparatus of sufficient capacity, its annual product would be 600 quintals. The vein is one and a quarter varas wide. The Socorro produces 3 arrobas weekly.

(2) It is noticed (in the Siglo XIX, July 20, '45), by a letter written to Sor. Perez Galvez, that in the quicksilver mines of Guadalcazar (Department of San Luis Potosi) there are being extracted monthly 120 flasks of quicksilver, which extraction is increasing, and which it is expected will be very considerable in a short time.

As this may be believed to be an exaggeration, it may be well to mention that 120 flasks contain 90 quintals of quicksilver, while the *ley* being two and a half libras per carga (as says the letter), it must be the result of 3.600 cargas, or of a weekly extraction of 900 cargas, which are easily obtained in new mines of little depth. Probably the true *ley* will be more, and in consequence of an imperfect reduction, the result is only two and a half libras.

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Doubling which, allowing for the loss of 50 per 100, adding the 16 quintals 33 libras before expressed, it gives us..... 2.104 quintals 39 libras for the annual production, estimated according to the calculation in the first supposition, and where the minerals were supposed to have been distilled in good apparatus.

It is seen then, that even thus, that is to say, under the supposition of circumstances the most favorable to production, this scarcely amounts to the sixth or seventh part of the total quantity of quicksilver consumed in Mexico in the reduction of silver ore, estimated at 14,065 quintals by the establishment of mineria. (1)

If we only allow to enter into the calculation the quantities of quicksilver produced by the mines actually in operation, and of which we have an approximate knowledge, as those of Capula, Pedernal and Guadalcazar (2), and if we prudently estimate the amount extracted from the other districts at 280 quintals, the effective annual production would amount to 1500 quintals, doubling which would give . . . . . 3000 " if, as we have said before, good apparatus for distillation had been employed.

But from the adoption of these, in the country, such as the cylindrical retorts of Dr. Ure, or by another name "*aparato hermetico y económico*" (hermetical and economical apparatus), or even the simple furnaces of Galera, with iron retorts, condensers and refrigerating current of water, it is not only to be hoped that the production will be doubled by extracting all the ley from the minerals, but that in reality this will be considerably augmented, since then the poor minerals more than paying the cost of working, by the advantages to be obtained by these apparatus working without loss of quicksilver, with less expense of fuel, less cost of labor, and above all its constant and active working, as we will presently explain, business will multiply, and with the more probability, because, as has been previously explained, the Republic abounds in criaderos of small ley, but abundant and extensive, and of easy exploration.

In examining the *leyes* of its minerals, we find the following:

Average richness of the quicksilver minerals of Mexico..... 3.90 per 100
[or rather, their absolute richness is equal to 0.00390.]
Common ley of the same..... 2.50 " "
Common minimum..... 1.00 " "
Average maximum (Guadalupe Targea).....23.40 " "

(1) Exposition of the Junta de Fomento y Administrativa de Mineria, page 19.
(2) Sor. Tovin, who in September of this year saw this mineral (mine), calculated the monthly production to be more than 100 flasks.

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"The average (says Dr. Ure), of the specimens of cinnabar of Obermoschel [1], are ten times poorer than those of Almaden." It has been seen, on the other hand, that in the Republic various mining establishments are supporting themselves, even with less than one per cent., which they succeed in extracting from their metals [really richer] in consequence of a very imperfect reduction.

At present, a hermetical apparatus of Ure has cost more than one thousand dollars; keeping it constantly at the proper degree of heat for the decomposition of the mercurial minerals, one burning, by skillful management, can be made in the space of three hours. So that by relieving the workmen, they can make in twenty-four hours eight burnings of about five quintals each, if the minerals are poor (like those of our mines), or from twelve to twenty quintals, with rich minerals [2].

According to Mr. Tovin, the ley of the minerals of Landsberg is of ½ per 100, the reduction of which, nevertheless, leaves a moderate profit, by using the cylindrical retorts of Ure.

It is then beyond all doubt, that the greater part of our criaderos or mines of quicksilver, will not only pay for working, but will become productive, if there should be established in them perfect apparatus for distillation.

Fortunately, we now owe to Sr. Perez Galvez the benefit of the introduction of these apparatuses into the country, since, as we are informed by Sr. Tovin, his agent, after having personally examined the apparatus of Ure, put up in Landsberg, he went to London, and caused one with new improvements to be constructed in Glasgow, the parts of which, as it appears, are now actually in the Republic, and on the road to Guadalcazar, where it will be put up under the direction of the same Sr. Tovin, who, we hope, will in a little time have it in operation with good results.

Thus, then, the hope is aroused that the Mexican miners, availing themselves of the improvements of science in perfecting the distillation of quicksilver, will succeed in giving to their country an increase both of power and of public wealth.

(1) Place in the vicinity of Landsberg, where was placed the apparatus of his invention.
(2) Dictionary of Arts, Manufactures and Mines, etc.—"Mercury."—Translation already referred to.—"Museo Mexicano."—Vol. 6, num. 4.

FINIS.

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# TABLE OF THE CRIADEROS AND MINES OF QUICKSILVER OF THE REPUBLIC

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| DEPARTMENTS. | JURISDICTIONS, OR MINERAL DISTRICTS. | CRIADEROS OR MINES. | GEOGNOSTIC FORMATION. | LEY OF THEIR PRODUCTIONS: Production and periods when they were examined or worked, or their actual state. |
|---|---|---|---|---|
| MEXICO. | J. CHILAPA. | C. CHAPITZACO. | The veins surrounded by (arman en) Micapizarra. | 0.25 per 100: shafts or openings actually abandoned. They were prospected for copper mines in the year 1627, and lastly examined in the year 1677. |
| | J. AJUCHITLAN. | M. HUAMUCHIL. | Old red sandstone. | 3.25 „ „ Old mines which are not actually worked. |
| | IDEM. | C. CANDELARIA. | Id., Id. | 0.50 „ „ Criadero actually virgin. |
| | J. TLALCHAPA. | C. DE TECUSCO. | Id., Id. | 0.87 „ „ Was worked during the year 1750, and afterwards, also, to a very small extent. |
| | M. TASCO. | MS. DE PREGONES. | Calcareous matter of transition. | There are two veins: that of the mine of Negrilla produced 0.3125 per 100, and that of Santa Gertrudis 0.25. This last was worked by the ancient Tribunal of Mineria during the year 1810; it was abandoned during the war of independence. |

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| | J. CUERNAVACA. | CS. DE TEPEYOPULCO Y CUAXISTENGO. | Calcareous carboniferous, or metalliferous matter. | 0.914 „ „ Calculated by the product of reduction. They were developed during the year 1740, and were afterwards worked from November, 1780, to the middle of 1782, under the orders of the Exmo. Sor. Viceroy, Don Martin de Mayorga, with the direction of the ancient Tribunal of Mineria. The production was 6½ quintals of quicksilver. |
| JALISCO. | M. MARTINEZ. | MS. DE CAPULA. | This appears to consist of the members which form the group of variegated sand-stone, that is to say, variegated marl, calcareous shells. new red sand-stone, resting immediately upon the calcareous carboniferous formation. | 2.33 per 100 (apt to be greater at times). The production of this district, for the months of April to August of 1843, 50 quintals, 15 libras, besides what was produced by the small extractions of the speculations of the workmen, which amounted to 75 libras weekly. So that if we add this to the first, for the five months that that lasted, it gives 65 quintals 15 libras. The first metals of quicksilver were discovered at the end of the last century. |
| | J. LAGOS. | CRIADERO DE SALSIPUEDES. | That of the serrania, is an ancient red porphyry. That of the criadero is quartz rock subordinate to the porphyry. | 12.00 per 100, of the minerals assayed from the mine of S. Romualdo. In the space of nine months there were extracted 800 quintals of mineral, which should have produced upon reduction 96 quintals of quicksilver. |

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| | | CRIADERO OF QUICKSILVER IN THE NEIGHBORHOOD OF THE HACIENDA DEL RODEO AND SAN NICOLAS DEL CHAPIN. | Clayey porphyry. | Unknown. |
| | | CRIADERO DE PINALILLO. | Sand-stone on a clayey foundation, upon which rest conglomerate, clay, and vegetal earth. | 2.80 per 100 from the clean minerals. The works in the condition of catas in active operation. Production unknown. |
| | M. CENTENO. | MINAS DE CENTENO. | Sand-stone mingled with quartz of fine grain, upon which rests a layer of brilliant rock. | 4.00 per 100 from the clean minerals. The period when the mines were worked is not known, they being actually abandoned. |
| | | MINAS DEL GIGANTE. (6 LEAGUES N. W. OF THE CAPITAL.) | Layers of gray sand-stone, yellowish, and porphyry upon a clayey foundation. | 4.00 per 100 of the minerals "pepenados." The mines are sheltered. |
| GUANAJUATO. | MINES OF THE MOUNTAIN CALLED DEL TORO. | MINA DEL TORO. | Clayey porphyry containing grains of quartz. | 1.63 per 100 of the clean minerals. Mine supplied by the Junta de Mineria. |
| | IN THE SAME MOUNTAIN. | MINA DE PROVIDENCIA. | Calcareous matter alternating with layers of shell-stone and of clayey red sand-stone. The calcareous rests on the sand-stone and the latter on the shell-stone. | 4.3 per 100, of minerals ordinarily clean. The mine in operation, not deep. |
| | SAN JUAN DE LA CHICA. | MINAS DE S. JUAN DE LA CHICA. | Clayey porphyry, placed upon shell-stone, and covered with calcareous matter, above which is vegetal earth. | As high as 8.20 per 100. Mines abandoned. |
| | M. TARGEA. | M. DE GUADALUPE. | Alpine calcareous, its layers alternating with others of test stone and bituminous slate according to Sr. Alcocer. Would not carboniferous or metalliferous calcareous be better? | The minerals that are cinnabar, epático en riñones, have an average ley of 23.40 per 100. The mines are actually habilitadas by the Junta de Fomento y Administrativa de Mineria. |
| | M. SAN PEDRO DE LOS POZOS. | MINAS DE ANIMAS, SOLEDAD Y S. RAFAEL | Also Alpine calcareous, similar to that of Targea. | 2.20 per 100 from the clean minerals. Mines abandoned. |

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| | J. DE SANTA MARIA DEL RIO. | CRIADERO DEL DURAZNO. | The region is composed of porphyry impregnated with quartz, with subordinate fragments of porphyry founded upon shell rock. Above these, in the little valley of Durazno, a formation of later deposit composed of layers of marl and slaty clay, which cover a manto of cinnabar at the medium depth of 15 varas. | 0.33 per 100, calculated by the product obtained from quicksilver.<br>The "manto" is entirely exhausted. The period of its greatest production was in the year 90 of the last century: there were taken out 70,000 cargas of mineral which yielded 700 quintals of mercury. |
| | ID., ID. | M. DEL PEDERNAL. | The same porphyries as Durazno. | 2-50 per 100. Extraction in 1844, 35 cargas weekly. Production of the mines from November 1840, to June 1844, 82 quintals 75 libras, which should give the result of 2.413 cagas, 8 arrobas de minerals. The reduction was at a loss of 50 per 100. |
| S. LUIS POTOSI. | | CRIADERO DEL CARRO. | Red clayey conglomerate of various other colors according to Sr. Berges. May not the new red conglomerate, of the geological column, be of the formations which in other parts, is above coal? In this is found "capas" of clay, lime and marl, some of them impregnated with cinnabar. Rocks which form the members of the groups of variegated sand-stone. | The ley of the minerals has reached 3 per 100. At present the extraction is small. It was developed about the middle of the last century, and was closed by order of the Spanish Government when the prohibition of working quicksilver mines arrived; but at the same time they had suspended the works, because the vein had narrowed immediately under the surface (at the depth of 6 varas). Various times afterwards it was re-developed, and in the year 1841 it yielded 160 quintals of quicksilver, thanks to the great industry of Sr. D. Rafael Carrera in working mines of quicksilver. |

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| | M. DE PINOS. | CS. DE PINOS. | The criaderos are thick capas of clay, lime and marls, of which the two last are apt to be impregnated with cinnabar, or all are traversed with little threads of jaboncillos or with cinnabar which are apt at times to pass into the porphyry upon which they rest. The thickest of these capas is, 2½ leagues to the west of the Ciudad de Pinos in the criadero de Collaso, more than 60 varas, and about 700 varas south of this last, in that of S. Pedro its thickness diminishes to 15 varas. | The ley of the productions of the first amounted to 1.25 per 100; this last was discovered in the year 1844, and from the months of April to July Sr. Carrera had extracted 240 cargas. |
| ZACATECAS. | | C. DE LOS HUAJES. | Clayey porphyry subordinate to the red porphyries of base of feldspar. | 1 per 100 of the common minerals. They were discovered in the year 1831. In that of 40, a hasty and badly conducted experiment was made upon one of the veins by means of a well ten varas deep, Afterwards (in the year '44) a company of Guadalajara formed by D. Antonia Nieto undertook to develop it. |
| | | MINAS DEL TEQUESQUITE. | According to Sr. del Rio, it ought to contain with variegated sand-stone, calcareous of shells, keúper or variegated marls, which are united under the name of Trias or formation Poiquilitica. | 2.00 per 100, average ley of the productions, which are generally earths. The mines are abandoned and inundated.<br>They were unsuccessfully worked by an English Company in 1834. |

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# TRANSLATION EXHIBIT CASTILLO No. 2.

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LECTURE READ

*To the Class of Mineralogy, by the Professor Don Antonio del Castillo, on the 17th of November,* 1845.

GENTLEMEN:

In former times, when the Mining Ordinances were in a vigorous condition, the Professors of this College were required to present, every six months, according to Art. 12 of Title 18, "a report (*memoria*) or dissertation upon some subject useful and interesting to the mining interests, and pertaining to the faculties applicable to this exercise" (these are the words of the *testo*); the subsequent laws contain no clause that actually imposes upon them this obligation, and it is doubtless from this circumstance, that there have been read in this place (*) some productions by Professors, which may be more properly called literary pieces than scientific articles.

Desiring to comply, as far as possible, with those provisions of our wise ordinances, I will proceed to read the following instructions in relation to veins (*vetas*), which are to be considered rather as an essay, which I may hereafter perfect, than as a finished report which would do me some honor.

—

## INSTRUCTIONS IN RELATION TO METALLIFEROUS VEINS.

### CRIADEROS IN VEINS.

Designation of the word Criadero.

*Criadero* is a generic word, used in mining to designate the deposits of mineral substances, contained on the surface or in the interior of the earth, and which are objects of speculation to the miner.

Divers kinds of Criaderos.

The irregular metalliferous *criadores* scattered in *reñones*, *boleos*, or *ojos;* the great isolated masses or *trozos*, the *cumulos*, and the *capas*, *mantos*, and metalliferous veins, are distinguished from the superficial deposits, such as quarries, deposits of sulphur (*solfateras ó azufreras*), salt pits (*salinas*), *tequezquiteras* (deposit of a mineral salt used in reducing ores), deposits of *tubas*, *placeres*,

[*] Hall of the National Mining College.

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and gold washings, of platina and precious stones, including the *gruesas capas* and *mantos* of mineral coal.

Geognosy does not furnish rules so certain for the working of metalliferous criaderos, as for those that are not metalliferous.

Geognosy leads us to the determination of these mineral deposits, from a knowledge of the rocks in which they are generally found, since it teaches us the relations they bear with the same, as well as their particular structure and character. But, notwithstanding these relations are sufficiently understood and fixed in the criaderos which are not metalliferous, that is to say, the *fonta-minero* may be able to determine the depth to which he will have to bore, or sink his artesian well, in the formations *supra-liasicas*, by a knowledge of the *capas* which he may be crossing, or that he may have studied in that geological region, and the worker of a mine of stone coal may be able to determine, beforehand, his plan of labor, before he commences to realize the fruits of the same in the *capas* or *mantos* of mineral coal; the miner cannot with such decided certainty, mark and determine the extent of the works to be traced out upon the indication of metalliferous criaderos, in order to reach the point of concentration most productive, or as the miners say, in order to "*alcanzar ò cortar bonanza*"—(meet with success).

Much has been written upon the character of the metalliferous *criaderos*, and their relations with the rocks by which they are surrounded (*en que arman*), and also upon those (rocks) which are found within the same; but there is still much to desire, on account of the disagreement found in all the instructions upon the matter, especially in relation to the irregular metalliferous *criaderos*, and those in veins.

This discord, and at times contradiction, or exceptions, generally proceed from the fact that such miner, after studying his respective locality, or that of a certain mineral region, desires to make his local observations applicable to all other known mineral countries; applying said observations as general rules.

The conjunction of the local descriptions has furnished the knowledge of the common characters of the same species of criaderos, and determined the practical rules which guide the miner in his labors.

These particular observations, notwithstanding the diversity of theory accompanying the same, in relation to the formation of the veins, *camulos* and *trozos*, form, taken together, the special description of these *criaderos:* from which are deduced the most notable points that serve to determine their nature; giving a knowledge of their various forms; the changes of these forms; the substances composing their mass; the constant association of the same, constituting what are called formations; and finally, the phenomenon

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observed in the diverse relation of the veins among themselves, when they cross, meet each other, are displaced, or deviate (*guiñan*).

Thus, the constant observation of the same phenomena in the study of the veins, has determined certain practiced rules, which, notwithstanding the occasional apparent exceptions to which they are subject, are those which guide the miner in determining the character of the work he has to plan in order to establish or perpetuate a mine.

Change of horizontal direction and dip.

Thus, for example, if the miner in following a vein *emborrascada* (losing itself) finds that its direction varies more than 45°, there is reason to believe that he is not upon the same vein, but that he has followed a branch of the principal vein, which will lose itself, or that it is a new vein which he has found, since observation has shown that the changes of direction, or the serpentine curves of the veins, do not exceed this variation.

It may also happen that the vein is separated into two or more parts by an intervening rock, which is called *caballo*, and that the branches, although they have a course altogether different from the course of the principal vein, will meet or join at a distance, and again form one vein. Or the vein may be ramified in such a manner into branches (*cintas*, *venas ó hilos*) that it will totally diappear, there remains to the miner then no choice but to continue his excavation.

These different changes of direction, ramification or division which are observed in the veins, when they are followed in a horizontal direction, are also naturally observed when they followed on an inclination or slope (*sobre su echado*); and in the same manner that, in order to understand the matter more clearly, we refer the vein to the plane of the general middle horizontal direction; thus, also, in order to determine what is to be done on a slope (*sobre el echado*), we refer the vein to a plane passing through the slope; it resulting from this, that in case of the loss of the vein, when following it either in a horizontal direction, or upon an inclination (*sobre su echado*) if there is no other cause of interruption (such as the intervention of another vein, *reliz* or *falla*) the excavation is to be continued in the horizontal direction, or on the inclination which are determined by the planes referred to; and if it is ramified without losing itself, either in its horizontal direction or inclination, that branch is to be followed which differs least from the same planes, that is to say, which approximates nearest the middle of the horizontal course, or that of the inclination.

In the narrow veins these cases occur more frequently than

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in those that are wide, and in these last (the wide) the miners call "*cuerpos de veta*" (bodies of the vein), the subdivisions of the same, divided by entering mountain masses. Thus in Guanajuato, for example, the mother vein has three principal bodies,—1st, 2d and 3d body.

Formations and systems of veins.

The constant association of the same mineral substances, or those which are always found together, constitute as has already been said, that which is called formation; and in general it is observed that the veins which correspond to like formations, or are of the same formations, run in parallels, whether in a horizontal direction, or on an inclination, at least in all that space comprehended within the same mineral region; so that there may be enumerated within the same as many different formations as there are groups of parallel veins, which run in different directions.

Hence it will be conceived, that these groups of parallel veins, to which is given the name of systems, having distinct courses, will present in the same mineral district a multitude of crossings, unions and separations, partial and general, of many of the veins which form the same; giving rise to difficult problems, as to the best mode to be adopted by the miner in working the same.

But the geometrical representation of all the systems of our mineral region, or more particularly its horizontal projections in the same plane, will be the best guide for the pursuit of his object; because, in a surface study, if these systems of veins are projected on different planes, according to the accidental circumstances of the land, and the *trazos* or *crestones* on the same, it gives a false idea of the respective position; which is also the case, although with less error, when the common planes of the mines are examined, in which the drawing shows the horizontal projections of all the cañons, made on different levels; some under others.

Crossings and dislocations.

The veins, then, considered individually, and in a general manner, may intersect each other either in a horizontal direction or on an inclination (although properly speaking, the greater part intersect each other horizontally and on a slope), the first case occurring oftener than the second, and a vein may be cut or divided by the whole body of the dividing vein, and continue immediately afterwards in its original direction, like two planes crossing each other, or it may deviate more or less in its continuation to one side or the other of its primitive direction, as it happens when the vein forks; or lastly, they may become confounded in the common intersection, mingling together, to separate themselves

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afterwards in their respective proper directions: it is to be understood, that this takes place as well in intersections in a horizontal direction, as in those on an inclination.

In this last case, the miners are accustomed to direct their labors towards the common intersections, as they are the richest spots, as well on account of the increased richness of the vein, as because of the accumulation of its mass; and as a general rule, they aim to strike these common intersections of two veins which cut each other in a horizontal direction; but as the line of intersection of both veins, considering them as planes, becomes to be oblique to the line of the horizontal plane cutting the same, the direction which might be taken, following this inclination, would be defective, and the result would be beyond the rules of the art; wherefore the common practice is to take such a direction as at a certain depth to cut said veins at the point of common intersection, and when they are the richest.

But the most interesting problem presented in mining, is that based upon the dislocation (*dislocamiento*) which frequently occurs, as has already been said, principally in these metalliferous districts in which there are many systems.

And these cases of dislocation (*dislocamiento*) are apt to be so indeterminate, notwithstanding the mathematical exactitude which is pretended to be given,* that it will be very difficult for the miner, without a long practical experience in the locality, to determine on which side they have taken place.

Notwithstanding, as the theories in relation to the explanation of this phenomenon are various, and cases frequently occur analogous to those from which have been deduced the rules established for the solution of the problem, we will mention those that are best known, in order that the miner, when similar cases arise, may apply the same with all the intelligence possible.

Geometrical representation of the dislocation of veins, produced by the sinking or elevation of one of the *respaldos* of the vein (*secante*).

The representation of the dislocation (*dislocamiento*) of veins by descriptive geometry, solves the cases which most commonly arise in practice, directing where the lost vein is to be sought, when the dislocation (*dislocamiento*), when it happens *por el rumbo* in horizontal works, or when it takes place *en el echado* (on a slope) when working by plan.

The plan (Plate 1st) is constructed under the supposition that there may have been a sliding of one of the *respaldos* of the displacing vein, either by depression or elevation; because the same may occur in one case (Fig. A), that it may have been the

* Manual of Geology of Señor Don Andres del Rio, p. 6.



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upper part (*el alto*) *m n r s*, which has fallen (*hundido*), or the lower part (*el bajo*) *o p q t*, which has been elevated; and in the other (Fig. B) that the lower (*bajo*) may have been sunken and the upper (*alto*) elevated: the question is always reduced to knowing which of the two *respaldos* of the displacing vein *o s* is the one that has fallen.

In the first case, that is to say, when the upper part (*el alto*) of the vein or *falla secante* has sunken, and has carried with it the portion V' of the vein imbedded in the same, and naturally the other portion V has remained above; so that if we pursue the vein in the *respaldo alto*, we must seek for its continuation in an upper direction through the *alto*, *o m n r*, of the vein, referring to the profile; and towards the obtuse angle if we refer to the horizontal plane, or pursue the direction of the vein; but if we find ourselves in the *respaldo bajo*, we will have to seek it in the lower direction through the *bajo s t q p*, of the same vein which we are pursuing.

If, on the contrary, it has been the lower (*bajo*) and not the upper (*alto*) that has sunken, opposite principles to the foregoing will have to be followed, which is manifest from an inspection of the figure, which represents this other case.

From what has been set forth it appears, that in solving the problem of the dislocation of a vein, all the difficulty consists in knowing how the sliding (*resbalamiento*) has taken place, which is sometimes a very difficult matter to determine.

"Notwithstanding," says Ezquerra, from whom we have taken this geometrical construction, "a practical knowledge of geology will be of the greatest assistance, and when there is no other remedy, an excavation will be made lengthwise of the *falla* by way of examination, in order to clearly observe the relation of the corresponding *capas* on one and the other side of the same."

And this difficulty is augmented still more, when there are rocks in mass, or one rock alone stratified, upon those that enclose (*que armen*) the vein, as happens in most parts of the country.

For example, in the District of Fresnillo, in the northern part of the hill, the *vácia gris* in mass is encountered towards the surface, and is crossed by two systems of veins, those that are metalliferous in directions approximating parallels to the northwest, and east and west the *lamosas*, with inverse inclinations, the first to the south-east, and the second to the north. The displacements (*dislocamientos*) are consequently encountered on the inclination (*por el echado*), and there have been counted more than twenty dislocated veins. The principal one

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of the *lamosas*, is that which is called veta echada (45°) of San Pedro, and is that which displaces the greater part of the metalliferous (veins), one of which is the rich vein of Valdenegros, and that of Colorado (planes del Burro) the continuations of which have not been thoroughly sought for up to this time, the miners being content to consider them as lost.

In all probability, then, in view of the system of veins (*lamosas*), we may feel assured that at the time of their formation many mechanical slides took place, from which resulted the sinking of the *respaldos altos* in some of the dislocating veins, and of the *respaldos bajos* in others. A careful study of the mechanical conditions most favorable to those slidings will enable the miner to form an opinion as to whether the vein has remained sheathed (*envainada*) in the *alto* of the dislocating vein, or in the *bajo*, according to the representation of the geometrical problem. The first appears to be the case, as indicated by all the local circumstances, in relation to the lost view of Valdenegros, according to the recollections of an examination made of it in 1842.

Dislocation of veins explained by the influence of terrestrial magnetism, according to the theory of Mr. Hopkins.

Finally, the formation of veins, as explained by the influence of terrestrial magnetism, gives rise, according to the theory of Mr. Hopkins, to all the different dislocations, and to the accumulation of rich matter in the immediate vicinity thereof, on account of the different positions of the *fallas* or southern veins (*) with respect to the general direction of south to north, which in his theory the magnetic currents of the interior of the globe are supposed to take. The following is a brief extract in relation to the case:

According to that theory, the crust of our globe presents in its structure a general system of layers, or a grain running from south to north, produced by the force of the perpetual currents of its interior magnetism, which is called polar force.

Let it be imagined now that an extension is given to its mass by being submitted to the elongating action of this force; the tension resulting in the same would produce fissures more or less transverse to its direction, if the rock constituting the mass should not possess sufficient elasticity to accommodate itself to this elongation; and the number and nature of these fissures

(*) We have adopted here the ancient denomination of veins, observed according to the cardinal points (vientos) south or north (meridional ó septentrional) and east or west (oriental ú occidental), according as they fall between the hours of 12 and 3, or between 9 and 12 for the southern or northern (Mediodia ó Septentrion) respectively; or between 3 and 6 and 9 and 6 near the cardinal points east and west. The first correspond to those that our practical miners call *trasversales*, and the second to those denominated by them legitimate, although they also distinctly call them *diagonal* to those that run between the semi-quadrants. The German miners distinguish them as *rectas* to those that run between the hours of 12 and 3'; *estendidas* between 9 and 12; *matutinas* between 3 and 6, and *vespertinas* between 6 and 9. (Plate VI. Fig. C.)

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would depend on the variable condition of the mass. And if the rock should contain channels, subject from elasticity to variable widths, then there would be formed *fallas*, lengthwise of, or diagonally to the layer (*foliacion*) according as there was the least resistance. It will be observed, that rocks are not, as they are commonly supposed to be, rigid and incompressible, but on the contrary elastic, subject to the undulatory movements, and capable of prolongation; properties well proved to exist in the same.

There result then from the polar effect the following series of lines: the southern layers (*foliacion*) the oblique or diagonal splits, and the fractions from east to west, or transverse to the direction of the currents. And besides, a multitude of fissures of little importance.

This is the slate rock which possesses great tenacity, and is capable of prolongations, the fissures from east to west do not often occur, but are limited by the subordinate southern canals; the diagonal *fallas* being most frequent, the lips or sides of which are curved or arched, and much polished by reason of the friction caused by the movement from south to north of the corresponding masses, which is very distinctly observed in the central cordillera of South America.

In Mexico, the porphyry predominates, and the diagonal *fallas* or southern veins are therefore intercepted by an infinite number of fissures or eastern veins. The rich mineral is here found in both classes of veins, while in Cornwall it is only found in the eastern veins (*lodes*).

Both classes of veins, southern and eastern, subject to the continual movement produced by the constant action of the polar force, produce great disorder in the general structure of the globe, which is the cause of the interruptions in the order of the masses, being the effect of the horizontal or diagonal movement of large portions of earth contained between the *fallas* or diagonal veins, out of their primitive position. These great displacements are occasioned by the boreal action of the rocks contained between *fallas* or polar veins, while the slidings observed in eastern veins are occasioned by the sinking of the *cuñas de montaña*, contained between the great fissures or veins. (Plate II). (*)

The discussions which have taken place in relation to those phenomenas, have created opposite opinions, owing principally to the impossibility of establishing the continuation of the fissures (*rajas*) on one and the other side of the diagonal *fallas*. A little reflection will suffice to convince us that a similar coin-

* The plates of Hopkins are accompanied by another, with an example taken from the mines of the country. (Plate III).

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cidence in all the fissures (*rajas*) is not to be expected, since in the first place, the fissures (*rajas*) crossing the diagonal *fallas*, are formed at the point where the least resistance is met, regardless as to whether or not it is in a straight line; it not following from this, that the cross is to be perfect with said *fallas*. Besides, if we recollect that the rocks, by reason of the continual action of the polar current, are moved towards the North, slowly but constantly, it may be supposed that there will occur from time to time new fissures in the same masses (which no one can doubt) then, even when the offsetts (*guiñados*) should be of 1, 10, 20, 30, or 50 feet, how would it be possible to establish the continuation of all the series of fissures? And to make a trivial comparison, to attempt to re-establish a dislocated mass of rocks in its primitive condition, would be like attempting to unite, by new coagulation, pieces of shattered ice which had been moved many times.

When we consider the pasty and humid nature of the masses which permits a continual molecular action through its pores in a southern direction, similar to the circulation of the sap in a tree, we need not be surprised that the *respaldos* of the fissures cannot always be identified; their interrupted sides are in a very short time changed by chemical action; the southern parts very often penetrate into those of the north by new layers (*laminacion*) formed subsequently to the repletion of the fissures, as is represented in Plate IV.

The miners know very well that the guards or sides of the veins undulate at times, as for the want of mechanical resistance, and that it requires good practical knowledge to be able to keep the excavations open, so that the mineral can be extracted, particularly where the rocks are very soft and humid.

In the mines of Fresnillo this obliteration of the veins is very observable from the seventh cañon below, between the shafts of Beleña and San Francisco, and west of this last, at the depth of more than 250 varas; and the rock, which is common slate, is here so soft and humid that the laborers are able to penetrate the same with no other tools than long bars.

Returning now to the veritable displacements produced by the movement of great mountain masses, it is observed that if the *fallas* or diagonal veins run in a north-east course, the masses of rocks on the western side have generally been forced more to the north than those on the eastern side; and if they run in a north-east direction, the contrary happens. (Plate V.)

The cause of this order in the displacement of the masses is made manifest by examining the nature of the mechanical interruptions. Admitting that the magnetic force operates in the

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meridian, the direction of the oblique *fallas* destroys the uniformity of the polar forces; therefore, the masses which present the greater transverse base to the south will be forced to the north more in proportion to the others. It is commonly said that the veins are dislocated, or make off-sets to the right or left, because in whatever part one may be of the dislocated vein running in a horizontal direction, its continuation will be found running towards the same break.

With a view to compare the mines of America with the principal ones of Cornwall, Wales and Ireland, Mr. Hopkins has lately made extensive investigations of the same, and has confirmed, by these investigations, his previous opinion, that "the dislocation in the large formations of veins has been simultaneous with their repletion."

According to his opinion, the meridional *rajas*, or veins, are, generally speaking, more ancient than the eastern ones. Among the many examples that could be cited of eastern (*oriental*) *rajas* or veins being limited by the southern ones (*meridionales*), the mines of Flintshire are mentioned. The reason why the southern (*meridional*) *rajas* or veins cross the eastern ones (*orientales*) is not because there are more or less new or later formations, but is owing to the perpetual longitudinal movement to which one series of *rajas* are subject to transverse actions.

Opinion of Budge in relation to the off-set (guiñado) of veins, and practical rules which he advises in searching for the lost vein.

Favoring this opinion in part, which is discordant with that commonly admittted of Werner, in relation to the different ages of veins that are cut or crossed, that which is crossed being more ancient than the one which crosses, is found Mr Budge, according to whom, "the veins are contemporaneous with the rocks which enclose them (que arman)." "It very often happens," he says, "that a dislocating vein crosses several veins, dislocating some, the dislocations differing materially in their distance, and others are not entirely dislocated; and there are cases known of dislocations to the right and to the left of the same vein secant. Besides, the dislocating veins are serpentine, or zig-zag, in their horizontal course, and are not interminable, but run out or discontinue when they enter a different class of rock."

In relation to the phenomenon of dislocation, if we may well admit the general rules of nature, he says, they also have their exceptions, and that although for the practical miner there are known indications from which he may be able to form an opinion as to whether the dislocation is to the right or left, yet there are many errors committed in working, the common in-

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dications not being reliable, because of a certain swelling or bulging of the vein towards the place where it is dislocated, before being crossed, and on account of the jaboncillos (an unctuous matter said to indicate rich ore) and the particles of mineral disseminated in that direction.

He counsels the miner, as a prudent measure, when the vein has been lost and cannot be found by making an examination on either side of the dislocating vein, to the distance of several varas, to take the true course of the vein, return to the point where it was lost, and follow the *cuele* in this direction. It is a well known fact, he says, that although the direction of a vein may have changed with the dislocation, it always has a certain tendency to return to its original course; but as sometimes it is destroyed, slides or adheres to the vein secant, in such a manner as that it is impossible to distinguish it, it is more secure to seek beyond the vein in the said direction and then to turn back, or to break ground at right angles, in order to seek it by crossings from one side to the other, by which he will be better able to discover when he strikes it. But this is only practiced when search has been made in vain on each side of the dislocating vein.

In relation to the accumulation of rich matter in the immediate neighborhood of veins, which are crossed by other veins that are impermeable, whether causing dislocation or not, and the greater probability of encountering rich deposits of metals, or success, upon the *criaderos* in veins, according to certain conditions of position more or less favorable with respect to the interior channels in conducting the metallic solutions, following the same theory of terrestrial magnetism,—this subject will be treated of after speaking of the *theories on the formation of veins*, which will be the subject of another article.

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## NOTES UPON SOME MINERALS,

*Taken from the Annual Lecture of* 1846, *of the Professor Antonio del Castillo, in charge of the Class of Mineralogy, of the Mining College of Mexico.* (*The lectures of the said year have not been published.*)

### IN RELATION TO THE CRYSTALLIZATION OF THE SULPHATE OF MAGNESIA.

Mineralogists have differed in relation to the crystallization of this substance. Mr. Breithaupt makes it correspond to the rhombic or prismatic theory, since he assigns to it as a fundamental form the figure of an obtuse rhombic pyramid, and describes its crystals as prismatic rhomboids, with the salient points truncated. Don Andres del Rio has observed a cross parallel to the faces more or less curved of a rhomboid, a little oblique angular, and according to his disciples, Herrera (D. Vicente) and Obregon, the inclination of the faces of the *crucero* is 93° 46′ (*) which determines the hexagonal or rhomboidal system, by the rhombic form which results; and other authors give it a cubic form.

There exists in the collection of the class a specimen classified as sulphate of copper, given by Don Ramon del Moral, from some mines in the vicinity of Tepeyatucalco, which on being examined by me proved to be crystallized sulphate of magnesia, in the form of octahedrons combined with cubes, or octahedrons with the corners truncated, also hemitropes of tabular octahedrons (octahedrons segminiformes de Haüy); and as the crystals are of a medium size, and well terminated, and the octahedral figure determines the teseral or cubic system of crystals, I understand that its true form is cubic, and that the angle of 93° 46′, observed by the aforementioned gentlemen, and which Señor Rio adopts, results from the fact that the *caras de crucero* or of the fragments approaching the cubic form, are generally somewhat curved by the leafy texture of that which is in mass: wherefore, the dimorphism attributed by this gentleman to this substance, as set forth in page 166 of his preparatory part, has not been well proved, attending alone to the measurement of the angle referred to.

New specimens of the same crystallized mineral and from the same place (†) were afterwards added to the collection by

* Orictognosia of Sor. Rio, p. 121 and 6, and preparatory part (1846) of the same author, p. 166.

† Cerro de San Miguel Tlachiaque, mine of la Hucha, Dist. of San Juan de los Llanos, State of Puebla.

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Señor Moral, presenting, besides their crystallographic character already mentioned, the following exterior characters: brilliant or of a bright metallic lustre: a dark iron color: the facial surface of the octahedron marked with horizontal lines, rarely smooth, that of the cube rough: at other times the faces of the crystals are excavated, the hollows being incrusted with pyrites: adhering one to another in a mineral mass, composed of sulphate of magnesia of an irregular form, blende, galena and pyrites. These are accompanied by medium-sized and small crystals of red magnesia, of native sulphur, and rhomboidal prisms of white or prismatic pyrites.

I have since received still more mineral masses from the said mines, with abundance of gray, irregularly crystallized copper, and I find that all the fossils of which they are composed constitute a particular formation, or are almost always accompanied by the sulphate of magnesia, blende, pyrites, galena, and gray copper; these two last substances being those which constitute its richness. This formation, newly discovered in this country, I understand is without analogy in Europe.

## NEW SPECIES OF MINERAL?

### MERCURY CORNEO (HORNY) OF THE DRUGGIST, AND THAT CALLED IODIDE OF MERCURY DE CASAS-VIEJAS.

*Crystallization.—Primitive form.*—Sharp rhomboidal pyramid, in which the major axis of the three *rectangulares*, increased from two to six millimeters, the pyramids appearing then like fine needles: the increase of the axis may be of even more millimeters, since there are presented some long fragments of very sharp pyramids, as if they were fragments of rhomboidal prisms.

Almost all the pyramids, when examined with a lens or microscope, present a structure of rhomboidal layers, which go on successively increasing until the pyramid is completed, as if placed upon the braquidiagonal (the shortest of the diagonals in the rhombic prism), taking a horizontal view of the pyramid, with an obtuse corner of the base in front. (Fig. I. Plate VI).

The pyramids that are very sharp have their two opposite larger faces marked with obtuse feathery lines, indicating a formation composed of an infinity of individual particles incorporated into steps (escalas) parallel to the braquidiagonal, and in the direction of the major axis of the very sharp pyramid. (Fig. II).

The small pyramids form confused groups of crystals.

These are of a diamond lustre, and their color varies from a fiery red to that of yellow beeswax: and also there are some



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of a pistachio green and dark green, in which case they lack transparency and the diamond lustre.

It is also found in an irregular form (*amorfo*) disseminated in calcareous matter and in spar, and with a curving (*revestimiento*), its color is then, in texture fresh, yellow of a fine lemon color, and bright green: in time it returns to a greenish gray and dark green.

The texture of the crystals is "*concoidea*" with a diamond lustre: that which is disseminated and with a covering, of an earthy texture, unequal and of a fine grain.

Soft and ductile, it receives a lustre when rubbed, which is of a lemon yellow in the crystals, and of a dark greenish yellow approaching a bright green in the *amorfo* (that which is of irregular form).

The crystals that are red, yellow and pistachio green, are transparent and semi-transparent, while the *amorfo* (irregular form) is opaque.

In a tube closed at one end, exposed to the flame of a small spirit-lamp, it will immediately give a sublimation of a yellowish color while hot, which turns white on cooling (prochloride of mercury), leaving a residuum of an obscure red color while hot, which turns to an orange yellow when cooling. Treated with a simple blow-pipe, on the first impression of the flame, it turns to an auroral red with a blueish tint, and is dissipated, leaving an odor *resembling that of selenium?*

The first experiment appears to indicate the presence of some other substance in the mineral, which is fixed at the temperature at which the chloride of mercury sublimes.

Besides, the character *orictonósticos* already noted, which does not agree in all respects with the mercury *córneo* of the mineralogists, leads me to think that the mineral in question is probably not a simple chloride of mercury, but that its composition is more complicate.

The same irregular mineral (*amorfo*) is that which is described by Sr. Rio as iodide of mercury, and pieces of the specimens of the collection of the College, classified by him, have given me the same results, and even supposing they contain iodine, which I have not been able to extract, it certainly cannot be a simple iodide of mercury.

It is then interesting to understand the true composition of this mineral by a rigorous analysis, in order to decide in the end whether or not it is a new species in mineralogy. It is found often with native mercury, which appears to be essential to its presence, in calcareous spar, which forms veins in the Doctor adjoining Zimapan, and also disseminated in the compact calcareous matter of Culebras.

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NATIVE LEAD.

In the Mineralogy of Alger and Phillips, pages 529, this metal is spoken of as follows :

" Lead is described, he says, as found in a metallic state, and in small masses, in the lava of the Island of Madeira and other volcanic districts, constituting the native lead of some mineralogists. Lately, it has been found in the neighborhood of Alston, in Cumberland, in small masses, embedded in galena and in a scorial substance, accompanied by the red oxide of lead, blende and quartz; the vein in which it has been found is surrounded (*arma*) by calcareous matter. It is said that the lead mines of Michigan, near the English river, have produced specimens of native metal.

Examining in the course of the lessons of this year, the *azarcon* (term sometimes applied to lead) found in the almond grove adjoining Zimapan, and which Señor Rio describes as native in page 206 of his *Orictognosia*, we observe that it is accompanied by pieces of lead resembling small almonds, but these specimens appear suspicious, and we have no doubt but that both substances are the product of art.

Produced from the same cause, but natural (volcanic action), appears to us to be the beautiful specimen presented by S$^{or}$. Don Tomas Ramon del Moral to the Cabinet of Mineralogy, which was discovered by S$^{or}$. Don Andres Castillero on the Rancho of Saucillo, Bay of San Francisco, Upper California, of the weight of 9 oz. 7 drs., taken, as is said by its discoverer, from a large bank of the same metal, which is washed by the sea and submerged in water.

It has the appearance of a volcanic breach enveloped in fragments and detritus of various kinds of rocks, such as slate, *vacia gris*, *caliza*, *piedra cornea* quartz, etc. and the remains of marine and fresh water shells, *paludinas* and *mitilus* without alteration; where the lead makes its appearance, the eminences are smooth and not pointed; and, also, it is found moulded, although imperfectly, into the cavities of some shells, presenting the appearance of a complete fusion.

All, then, tends to prove the volcanic origin of this mass of lead, the superficial portion of which, still hot, would in its course under the water, in the manner of lava, roll up (*arrolar*) the shells, enveloped in sand and alluvion of primitive rocks, without altering them.

And I believe it necessary to add, that the lead is very poor, containing a scarcely appreciable quantity of silver, according to the assay, which gives less than $\frac{1}{576}$ of silver.

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CRIADERO OF MERCURY OF SANTA CLARA, ALTA CALIFORNIA.

I will lastly make mention of the new criadero of azogue, discovered in the Mission of Santa Clara, to the south of the port of San Francisco, Alta California, the minerals of which give the richest *ley* of all that are known in the Republic, which as we know have a *ley* very low, of from one to three per cent. in general; while that of the minerals of the criadero before mentioned exceeds 28 per cent., and, according to its discoverer, who is the Señor Castillero, its longitudinal extent examined by him is more than 200 varas.

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# DEPOSITION OF JOSE MARIA YRISARRI.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 30, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c. &c., came José Maria Yrisarri, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, Esq., for claimant, and Edmund Randolph, Esq., for the United States.

QUESTIONS BY COUNSEL FOR CLAIMANT.

QUESTION 1. What is your name, age, and place of residence?

ANSWER. José Maria Yrisarri. I am forty-three years of age. My residence is the capital of Mexico.

Q. 2. What is your occupation?

A. I am Fifth *Oficial* in the Ministry of Justice of the Mexican Government.

Q. 3. When and in what capacity did you first enter the public service?

A. I entered in 1834, as *Meritorio*, that is, on probation, and without pay, as a clerk in the Ministry of Justice.

In 1836, I obtained the situation of third clerk in the Ministry of Justice, with a salary.

Q. 4. Have you been employed in the Ministry of Justice from that day to this; and if yea, what offices have you held in that ministry?

A. I have been so employed from that day to this. The first situation I held there, in which I received a salary, was that of third clerk. Afterwards, I was appointed first clerk; then I was appointed second clerk of the Archives, and after-



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wards first clerk of the same; and afterwards I was appointed Keeper of the Archives. Then I was promoted to the place of Eighth *Oficial* in the said Ministry of Justice. I afterwards became the Seventh *Oficial*, afterwards the Sixth, and after that the Fifth, which office I now hold.

Q. 5. Who was Minister of Justice in 1846?

A. José Maria Luciano Becerra was Minister of Justice from the 7th of January to the 18th of June of that year.

Q. 6. What was his profession?

A. He was Bishop elect of Chiapas.

Q. 7. Do you know when he was elected Bishop of Chiapas, and when he took charge of that diocese?

A. When I first knew him, that is, when he first entered into the Ministry of Justice, he was Bishop elect of Chiapas. He was ordained Bishop in 1848; then he took charge of that diocese.

Q. 8. When did he die, and where?

A. He was Bishop of Puebla in 1852, and he died at that place on the 17th of December of that year.

Q. 9. Examine the document now shown you, marked "Exhibit Bassoco No. 7, O. H."; state whether you have compared it with its original; where the original exists; when, where, and in what manner was the comparison made; and is this a faithful copy of the original?

A. I have compared it with its original, which exists in the office of the Secretary of the Junta de Fomento y Administrativa de Minera. I compared it in the office of the Secretary of the said Junta, on the 20th of April, 1859. The mode of comparison was this: the original was read to me whilst I read the traced copy, and then the traced copy was read to me while I read the original. This is a true copy of said original in said office.

Q. 10. Did you examine said original expediente; are you acquainted with any of the persons whose handwritings or signatures appear therein; do you know any of the said handwritings or signatures; how do you know them; and are they genuine?

A. I have examined the said original expediente. I know some of the persons whose handwritings and signatures appear therein; they are, to wit: José Maria Tornel, José Maria Luciano Becerra, Ysidro R. Gondra, Agustin Ruiz, Teodoro Sotomayor, and Vicente Segura.

The handwriting of the various documents in the original expediente, copies of which are found on the first leaf of this traced copy, and also on pages (numbered in red ink) 1, 8, and 9, and marginal note on page 11, are in the handwriting

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of the said Gondra. The signature affixed to the original document, a copy of which is found in this Exhibit on pages (numbered in red ink) 19, 20, 21, 22, is that of the said Gondra. The said handwriting and signature on said original are genuine.

The signature of José Maria Tornel, affixed to the original document, a copy of which is found on pages (numbered in red ink) 5, 6, and 7 of this Exhibit, is the genuine signature of the said Tornel.

The signature of Vicente Segura to the original marginal note, a copy of which appears on page numbered 5 in red ink of this Exhibit, is the genuine signature of the said Segura. The second marginal note on the original, a copy of which appears on the last named page of this Exhibit, is in the handwriting of the said Gondra.

The original communication from Becerra, Minister of Justice, to Segura, President of the Junta de Fomento, dated the 9th of May, 1846, is in the handwriting of Agustin Ruiz, and bears the genuine signature of the said Becerra. A copy of said original appears on page 10 (in red ink) of this Exhibit.

The original communication from the said Becerra to the said President of the Junta de Fomento, dated May 20, 1846, is in the handwriting of Don Teodoro Sotomayor, and bears the genuine signature of the said Becerra. A copy of the said original is found on pages 23 and 24, (in red ink,) of this Exhibit.

I know the handwriting of the said Sotomayor and Ruiz, because they were employees of the Ministry of Justice at the same time that I was, and there I had frequent occasions to see them write. And as to the signature of Becerra, I know it because, being Minister of Justice, I have seen him sign his name frequently. I know the signature of Tornel, because, while he was Minister of War, he addressed various communications to the Ministry of Justice, where I was employed. I know the handwriting and signature of the said Gondra, because, being keeper of the National Museum, he addressed various communications to the Ministry of Justice concerning said Museum, and for that reason I knew his handwriting and signature when he was keeper as aforesaid. I know the signature of Segura, because, as President of the Junta de Fomento, he addressed various communications to the Ministry of Justice, where I was employed.

Q. 11. Is Augustin Ruiz living; if not, when did he die?

A. No. He died on the 3d of May, 1848. At the time of his death he was escribiente of the Ministry of Justice.

Q. 12. How long and how well had you known him?

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A. I had known him for two or three years; my intimacy with him was that which exists between companions in the same office.

Q. 13. Examine the document now shown you marked "Exhibit Bassoco No. 8, O. H." State whether you have compared it with its original; where the original exists; when, where and in what manner was the comparison made, and is this a faithful copy of the original?

A. I have compared it with its original which exists in the Ministerio de Relaciones. The comparison was made in the same Ministerio on the 18th of April, 1859, and in the same manner in which "Exhibit Bassoco No. 7," was compared with its original; it is a true and faithful traced copy of the original.

Q. 14. Did you examine the said original expediente; are you acquainted with any of the persons whose handwritings or signatures appear therein; do you know any of the said handwritings or signatures; how do you know them, and are they genuine?

A. I did examine the said original expediente. I know several of the persons whose handwritings and signatures appear therein; that is to say, Don Mariano Rodriguez, Vicente Segura, Ysidro R. Gondra, Joaquin Romanos, and Becerra.

The caractula or superscription on the original expediente, a copy of which is found on page 1 (in red ink) of this "Exhibit Bassoco No. 8," is in the genuine handwriting of the said Rodriguez. The original communication from the Junta de Fomento to the Minister of Justice, dated the 5th of May, 1846, bears the genuine signatures of the said Segura and Gondra; a copy of the said original communication will be found on pages 2, 3, 4 and 5 (in red ink) of this Exhibit.

The signature to the original, a copy of which is found on pages 6, 7 and 8 (in red ink) of this Exhibit, is the genuine signature of the said Gondra.

The document in the said expediente purporting to be a copy of a communication addressed by the Minister of Justice to the Junta de Fomento, dated May 9th, 1846, is in the handwriting of the said Rodriguez; a copy of it appears on page 9 (in red ink) of this Exhibit.

The original communication addressed by Vicente Segura, President of the Junta de Fomento, to the Minister of Justice, dated the 14th of May, 1846, bears the genuine signature of the said Segura; a copy of it will be found on pages 10, 11, 12, 13, 14, 15 and 16 (in red ink) of this Exhibit.

The second marginal note or acuerdo on the last mentioned original communication is in the handwriting of the said Joaquin Romanos, and bears the genuine rubric of the said Becerra;

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a copy of said acuerdo and rubric, will be found on the margin of page 10 (in red ink) and on the margin of the reverse of page 11 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be a copy of a letter addressed by the Minister of Justice to the Junta de Fomento, dated May 20th, 1846, is in the genuine handwriting of the said Rodriguez, a copy of it will be found on page 23 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be a copy of a communication addressed by the Minister of Justice to the Minister of Relaciones, etc., dated May 20th, 1846, is in the genuine handwriting of the said Rodriguez; a copy of it will be found on page 23 (in red ink) and on the reverse of page 24 (in red ink) of this Exhibit.

I know the above mentioned signatures of Segura, Gondra and Becerra for the reasons I have before stated. I know the handwriting of Rodriguez, because he was an employé and my companion in the Ministry of Justice, and there I had frequent occasions to see him write. I know the handwriting of Romanos for the same reasons.

Q. 15. Are the said Romanos and Rodriguez living?

A. Romanos died in 1847, and Rodriguez is still alive.

Q. 16. What employment had Romanos at the time of his death?

A. He was second first official (official segundo primero) in the Ministry of Justice.

Q. 17. What has been the employment of Rodriguez since 1846?

A. In 1846 he was official cuarto in the Ministry of Justice, and remained in that situation up to 1851 or 1852, I am not certain which, when he was allowed to retire from active duty on full pay.

Q. 18. What is the condition of the health of Mr. Rodriguez?

A. He is very sick.

Q. 19. Was he well enough to travel from Mexico to San Francisco, in your company, with others?

A. He was too sick; his physician said that he could not undergo the fatigue of such a long journey, his condition might have been made worse, or he might have died.

Q. 20. Examine the document now shown you, marked "Exhibit Bassoco No. 9, O. H." State whether you have compared it with its original; where the original exists; when, where, and in what manner was the comparison made, and is this a faithful copy of the original?

A. I compared it with the original, which exists in the Ministerio de Gobernacion, on the 19th day of April, 1859; the

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comparison was made in the same Ministry, and in the same manner in which I compared "Exhibit Bassoco No. 7, O. H." with its original. This is a true and faithful copy of said original.

Q. 21. Do you know any of the persons whose handwritings and signatures appear in the said original expediente; do you know any of the said handwritings or signatures, and are they genuine?

A. I do. I know Don Manuel Quintanar, José Maria Ortez, Monasterio, Mariano Miranda, and Becerra.

The caractula or superscription on the original expediente is in the genuine handwriting of the said Quintanar; a copy of it will be found on page 1 (in red ink,) of this "Exhibit Bassoco No. 9, O. H."

The note or acuerdo written on the margin of a document in the said original expediente, purporting to be an original communication from Pio Pico to the Ministro de Relaciones, etc., dated Angeles, February 13th, 1846, is in the genuine handwriting of the said Monasterio; a copy of it will be found on the margin of page No. 2, (in red ink,) of this Exhibit.

The document in the said original expediente, purporting to be an office copy of a communication addressed by the Ministro de Relaciones, etc., to the Governor of Californias, dated April 6th, 1846, is in the genuine handwriting of the said Quintanar; a copy of it will be found on page 7, (in red ink,) of this Exhibit.

The document in the said original expediente purporting to be an original official communication addressed by Becerra, Minister of Justice, to the Minister of Relacions, etc., dated May 20th, 1846, is in the genuine handwriting of the said Miranda, and bears the genuine signature of the said Becerra; a copy of it will be found on page 8, (in red ink,) and the reverse of page 9, (in red ink,) of this Exhibit.

The document in the said original expediente purporting to be an office copy of an official communication from the Minister of Relations to the Governor of Californias, dated May 23d, 1846, is in the genuine handwriting of the said Quintanar; a copy of it will be found on page 10, (in red ink,) of this Exhibit.

I know the handwriting of Quintanar, because he was employed with me a short time in the Ministry of Justice, where I had frequent occasions to see him write. I know the handwriting and signature of Monasterio. He was Oficial Mayor in the Ministerio de Relaciones, and, as such, he frequently acted as Minister; in that capacity he frequently communicated with the Ministry of Justice, and I had occasion to see his hand-

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writing frequently. I know his signature and handwriting for another reason: he was Mayordomo of three convents, and, as such, he rendered his accounts to the Archbishop of Mexico, who passed them over to my father, who was contador of the Ecclesiastical Court, for revision; all the accounts were in the handwriting of Monasterio, and I had frequent occasions to see it. I know the handwriting of Mariano Miranda, because he was employed with me in the Ministry of Justice, where I frequently had occasions to see him write. Becerra's signature I know, for the reasons I have above stated.

Q. 22. Where is Miranda?

A. He is here in San Francisco.

Q. 23. What is "membrete," and what an "acuerdo"?

A. A membrete is a compendium or brief note of contents, written on the margin of all the communications addressed to the Government (al Gobierno); this is required to be done by a circular.

An acuerdo is a marginal note written on a document, expressing the resolution of the Government (Gobierno) on the matter submitted in the document. When the Government has resolved on the matter, the acuerdo is then called an acuerdo de resolucion. But if the action of the Government (Gobierno) is suspended, whether because the communication is addressed to the wrong Ministry, or because the Government is not sufficiently informed, or for any other reason, then the acuerdo is called acuerdo de tramite. Both acuerdos are signed with the rubric only of the Minister.

Q. 24. On the top of the first page of the communication addressed by Vicente Segura, the President of the Junta de Fomento, to the Minister of Justice, dated the 14th May, 1846, inclosing and recommending to the Government (Gobierno) Castillero's proposals, I find these letters and figures, "L. g$^{l}$. 15. Sf, 140 v$^{ta}$;" what do they mean?

A. They mean "Libro general tomo quince fojas 140 vuelta," which is rendered by the interpreter, as follows: Fifteenth volume of the general book, reverse of leaf 140.

Examination adjourned until Monday next, August 1st, at 11 o'clock.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, Cal., August 1st, 1859.

Direct examination of José Maria Yrisarri resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

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Q. 25. In your last answer on Saturday, you said that the letters and figures referred to in the question mean "Libro general tomo 15 foja 140 vuelta;" by whom were those words and figures written?

A. They were written by myself.

Q. 26. For what purpose were they written.

A. For the purpose of showing thereby that the communication or dispatch upon which this inscription was written, was registered in the proper book.

Q. 27. Was that a book of record; if yea, what was recorded in it?

A. It was a book in which was entered a note or compendium of the contents of a particular class of official documents.

The Oficial Mayor opened the communications addressed to the Ministry of Justice, and classified them; those which were to be noted in this book he delivered to me and I noted or registered them therein in the manner I have stated.

Q. 28. Who made the note of contents of the communications as recorded in that book?

A. I did myself.

Q. 29. Was anything recorded in that book besides the membrete, or note of contents?

A. The acuerdos which were made upon the communications were also copied into this book.

Q. 30. In the year 1846, which one of the clerks made these entries or records, in that book?

A. I did myself, I was Oficial Octavo of the Ministry of Justice, from the 25th November, 1845, until 19th December, 1846, and as such it was my duty to make those entries in that book.

Q. 31. Examine the document now shown you, marked "Exhibit Bassoco No. 12, O. H;" state where the original existed, whether you have compared this Exhibit with its original, when, where, and in what manner was the comparison made, and is this a faithful copy of the original?

A. The original of this document existed in the archives of the Ministry of Justice. I have compared it with the original. I made the comparison on the 18th April, 1859, in the office where the archives of the Ministry of Justice are kept, in the city of Mexico. I made the comparison by spreading this traced copy over the original, and then examining it to see if the tracing was accurately done; I found that it was, and that the copy was perfect.

Q. 32. In what form does the original exist?

A. The original is the leaf of a bound book, containing one

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hundred and fifty-seven pages. The book is entitled "Libro General 15," and contains the entries for the years 1841 to July 10th 1846, inclusive. The book is a large folio.

Q. 33. Did you examine the original of this copy; are you acquainted with the handwritings on it; if yea, state how you know the same, and are they genuine?

A. I did examine said original; I am acquainted with the handwritings on it.

The last entry on the original, beginning with the words, "Yd., 27, Dn. Antonio Carrillo," and ending with the words, "Ministo. de Hacienda," is in the genuine handwriting of Don Gregorio Groso; I know his handwriting because he was an Escribiente de Archivo in the Ministry of Justice, and I have often seen him write.

The third entry from the last, beginning with the words, "Yd. 28, El C. Agustin Peza," and ending with the words, "Como lo pide," is in the genuine handwriting of Don Juan Pablo Castro; I know his handwriting, because he was Oficial Septimo in said ministry, and I have often seen him write.

All the other writing on the original, of which this is a copy, is my own.

Q. 34. Explain what is meant by "foja vuelta?"

A. It is customary in Mexico to number the leaves (fojas) on one side only. In a book, the number is put in the upper right hand corner of the face of the right hand leaf; the other side of that leaf is called the vuelta, and is not numbered, but is referred to always by the number of the leaf, with the addition of vuelta.

Q. 35. As the "Exhibit Bassoco No. 12, O. H," is a copy of the 140th leaf of the 15th volume of the general book, please refer me to the words which are the record referred to by the letters and figures, "L. Gl. 15, Sf. 140 Vta," found on the top of the first page of the official dispatch from the Junta de Fomento to the Minister of Justice, dated the 14th May, 1846, transmitting to the Government (el Gobierno) and recommending for approval Castillero's proposition?

A. The witness refers to an entry which the interpreter translates as follows: "The Señor President of the Junta de Fomento de Mineria, accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California.

"May 20th. It is granted in the terms proposed; and as regards the land, let the proper order issue to the Ministry of Relations for the measures which it belongs to him to take, with the understanding that the Government assents to the petition."

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Q. 36. I find in this same Exhibit an entry which the interpreter translates as follows:

"The citizen José Maria Yrisarri, official octavo of this Ministry, asks permission to marry the Senorita D. Carlota Herrera." "May 18. Granted."

Are you the same Yrisarri referred to in that entry?

A. I am. It is usual in Mexico for the employés of the Government to ask its permission to marry, for the purpose of securing to their families or widows a pension, in case of the death of the employé.

Q. 37. In the same Exhibit I find an entry which the interpreter translates as follows:

"June 18. The Excellent Señor Minister of Exterior Relations inserts the communication addressed to the Excellent and Illustrious Señor D. José Maria Luciano Becerra, advising him that the Excellent Señor President had accepted the resignation which he makes of the charge of this Ministry; D. José Maria Duran remaining in charge of this Ministry."

"June 23. Received to-day. Duly noticed."

When did Becerra leave the Ministry, and by whom was he succeeded?

A. Mr. Becerra's resignation was accepted on the 18th June, 1846, and his Oficial Mayor, Don José Maria Duran, acted as Minister until a new one was appointed. The newly appointed Minister was José Maria Jimenes.

Q. 38. In whose handwriting are the original entries in the general book, referred to in the 35th, 36th and 37th question?

A. They are all in my own handwriting.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Aug. 2d, 1859.

Direct examination of José Ma. Yrisarri, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 39. At what time, and in what manner, were these entries made?

A. They were made when the documents were received from the Oficial Mayor.

The manner of making the entries was this: When I first received a communication from the Oficial Mayor, I made an entry of its contents, and left a blank space thereunder, and

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then returned it to him. He then delivered it to the Minister, and the acuerdo was made upon it, and thereupon it was returned to me, and I copied the acuerdo into the blank space which I had left for it, as above stated.

In making the entry of the note of contents, as above stated, I would sometimes copy the membrete from the communication itself, and at other times I would draw up the note of contents myself. The acuerdo was always literally copied.

When I returned the communication to the Oficial Mayor, after making the first entry, I mean the entry of the note of contents, or membrete, I marked upon the communication the name of the book, and the number of the page upon which the entry was made.

Q. 40. Do you know Andres Castillero?

A. Yes, sir.

Q. 41. Have you any recollection of any business relating to the mine discovered by him in California, that was done in the Ministry of Justice, independent of the knowledge which you may recently have acquired by examining documents relating to that business?

A. No, sir.

Q. 42. When did you leave Mexico for California; in whose company, and for what purpose did you come?

A. I left Mexico, the capital, on the 25th of April last, in company with Don Joaquin Castillo Lanzas and his son, Don Blas Balcarcel, Don Antonio del Castillo, Don Agustin Velasco, Don José Maria Bassoco, Don Mariano Miranda, Don Francisco Villalon, Don Guillermo Barron, Mr. Billings, and Don Francisco Negrete. These were the only persons who came with me from the capital.

My object in coming, was to testify in regard to original documents existing in the archives of the Ministry of Justice, Ministry of Relaciones and Gobernacion, and in the Secretaria of the Administracion de Mineria.

Q. 43. Are you acquainted with the handwriting of José Maria Duran?

A. I am.

Q. 44. Examine the document now shown you, marked "Exhibit Bassoco No. 8, O. H," and state if his handwriting is found in the original expediente of which this is a copy?

A. The original note, or acuerdo, which is written on the margin of what purports to be the original communication from the Junta de Fomento to the Minister of Justice, dated May 5, 1846, is in the handwriting of said Duran; it begins with the words "Mayo 9, 1846, Enterado," etc., and ending with the letters "fho." A copy of it is found in the margin of the reverse of page 3 of this Exhibit.

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Q. 45. What do the letters "fho" signify?

A. They are the abreviations of the word "fecho," and they signify that the acuerdo had been complied with.

Q. 46. How do you know Duran's handwriting?

A. I know it because he was Oficial Mayor of the Ministry of Justice, and because I have frequently seen him write.

Q. 47. Where and for how long did he hold that office?

A. He held that office from the year 1843 or 1844, until 1853, when becoming too old and sickly, he was granted his jubilacion, that is to say, to retire from active duty on full pay.

Q. 48. When you came to California, did you obtain leave of absence, and from whom?

A. I did obtain such leave from the Government of Mexico.

Q. 49. How much have you received, or are you to receive, for coming to California to testify in this case?

A. I am to receive in all four thousand dollars, of which I have received already fifteen hundred.

Q. 50. Do you receive your salary for the time you are absent from Mexico, and what is it per annum?

A. I am to receive no salary for the time that I am absent; my salary is eleven hundred dollars per year.

Direct examination closed.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 3, 1859.

Examination of José Maria Yrisarri resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 51. When you left the city of Mexico, did you get any passport?

A. No, sir.

Q. 52. Is this the first time that you ever left the Mexican Republic?

A. It is.

Q. 53. Still, did you not know that it was customary for persons leaving the Republic of Mexico for foreign countries to obtain a passport?

A. I knew it was customary to do so, but when I was leaving I did not apply for one, because I did not deem it necessary.

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Q. 54. Why did you suppose it was not necessary in this case; did it not occur to you that the United States, against whom you were about to testify, would desire some official evidence that you were the person you represent yourself to be, and also of the position which you hold at home?

A. As this was the first time I left Mexico, I did not know that it was necessary to obtain a passport—it did not occur to me to ask for one. It did not occur to me that the United States would require any such evidence, nor did it occur to me that such evidence of my position at home would be required.

Q. 55. Do you not belong to the Church party, of which General Miramon is chief?

A. I desire to be excused from answering this question, because, as I have been always an employé of the Government, I have taken no part in politics, and an answer to this question might injure me. For these reasons I decline to answer the question.

Q. 56. How is the Ministry of Justice of the Mexican Government composed; how many persons are employed in it, and what are their several positions and official designations?

A. The Ministry of Justice is composed of the Minister, the Oficial Mayor, the Oficial Primero, the Oficial Segundo, the Oficial Tercero, the Oficial Cuarto, the Oficial Quinto, the Oficial Sexto, the Oficial Septimo, and the Oficial Octavo. There are besides five clerks (escribientes), one porter and two assistants (ordenanzas). This is the present organization of the Ministry.

Q. 57. Is there not also an Archivero, keeper of the archives?

A. The person who has charge of the archives is the Oficial Tercero.

Q. 58. What are the duties of the eight oficiales?

[Question objected to by Mr. Peachy, for the reason that the duties of the various offices of the Ministry of Justice are defined by written law, which cannot be proved by parol testimony.]

A. It is the duty of the Oficial Mayor to consult with the Minister about the Acuerdos that are made, and when they are made, to distribute the documents to the corresponding Bureau (Mesa). He has the supervision of the Ministry, and in the temporary absence of the Minister he discharges his duties. He also draws up the acuerdos for the Minister.

The Oficial Primero has charge of the Ecclesiastical branch.

The Oficial Segundo has charge of the department of Justice.

The Oficial Tercero has charge of the archives.

The Oficial Cuarto has charge of the department of Public Instruction.

The Oficial Quinto is associated with the one who has charge of the section or department of Justice.

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The Oficial Sexto has charge of the section or department called Administracion de Justicia.

The Oficial Septimo attends to the business of the branch of Criminal Justice.

The Oficial Octavo is associated with the Oficial Tercero, who attends to the Archives.

The Escribientes are occupied engrossing, or making fair copies.

Q. 59. What are the archives made up of? Has the Oficial Tercero the custody of all the official papers belonging to that Ministry?

A. There is but one collection of archives in the Ministry; it is composed of expedientes which have been completed, laws, decrees and orders, which have been made by the Government, collections of newspapers, and the general books which I have described.

Q. 60. When you say the general books which you have described, do you mean to include the bound book containing 157 pages, to which you refer in your answer to the 32d question?

A. Yes, sir. I include that book in those to which I allude.

Q. 61. And which bound book contains, with the other entries you have mentioned, the following entry: "The Señor President of the Junta de Fomento de Mineria, accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine, which he has discovered at the Mission of Santa Clara, in Upper California," etc.?

A. It is. It is the Libro general, 15.

Q. 62. And you say that book is now in the keeping of the Oficial Tercero, acting in his capacity of Archivero, or keeper of the archives?

A. Yes, sir. He is responsible. He keeps it in the archives.

Q. 63. What is the name of the Oficial Tercero who has the keeping of that book?

A. His name is Don Ramon Gachicoa.

Q. 64. Do you know any reason why he did not come instead of you, to prove the official character of the entries to which you have testified, and that they formed a part of the archives which he kept?

A. He did not come because he is merely the present custodian of the book, and had nothing to do with it at the time of those entries.

Q. 65. Could not you have told Mr. Barron, or whoever it was that asked you to come here, that entries in an official book would be worthless as evidence, unless the official character of the book, and of those entries, was first proven by the legal custodian of the book.

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[Question objected to by Mr. Peachy, because it implies that there is no proof in this case of the official character of that book; whereas, it is proved by the certificates of the Oficial Primero in the Ministry of Justice, and of the Oficial Mayor Primero of the Ministry of Relations, affixed to a copy of the 140th leaf of that book, entitled "Exhibit Bassoco No. 12, O. H," the said copy being authenticated in the only manner permitted by the laws of Mexico, as certified by our late Minister, Mr. Forsyth, and by Mr. John Black, American Consul at the City of Mexico, and as further shown by duly proven copies of the Mexican decrees on the subject, which have been introduced in evidence in this case.

Counsel for the United States would correct the counsel for the claimant, by suggesting that the certificates referred to are *ex-parte* unsworn statements, and not evidence.

Also, that Mexican decrees cannot prescribe rules of evidence in courts of the United States.

Mr. Peachy objects to the introduction of the foregoing remarks of the counsel for the United States in this deposition, because they are purely argumentative.]

A. The person who keeps the book could give no certificate at all, it could only be given by the Oficial Mayor of the Ministry.

Q. 66. Might not the third Oficial of a Ministry as well come to California, as the fifth Oficial of the same Ministry?

A. He could, but it did not suit him to come, and I suppose he was not asked to come.

Q. 67. What makes you suppose he was not asked to come?

A. I don't know whether he was spoken to about coming or not. I suppose he was not spoken to about coming, because if he had been he would have come.

Q. 68. Who spoke to you about coming, and when?

A. I was first spoken to about coming by the licenciado (lawyer), Mr. Pardo, on behalf of the house of Barron, in March last. I replied that as my wife was then very sick, I could not agree to come until I should know the result of her sickness.

Q. 69. When did you make up your mind to come?

A. I made up my mind to come some five or six days after my wife's death, which occurred on the 6th of April last.

Q. 70. When did you begin to prepare yourself for giving testimony?

A. After the 15th April, and before I left the city of Mexico.

Q. 71. Tell me every thing you did to prepare yourself to testify, and that had any connection with this case.

A. I examined the expedientes relating to this matter, and the leaf of a book to which I have alluded for the purpose of

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satisfying myself that it was in my handwriting, and I compared the traced copies with the originals; this was all that I deemed it necessary to do.

Q. 72. All this you did between the 15th of April last and the day on which you left Mexico?

A. Yes, sir.

Q. 73. Had you not for a long time before been looking up these expedientes and entries, and making yourself familiar with their contents?

A. Not before the 15th of April last.

Q. 74. But had you not frequently for more than a year past referred to these expedientes and these entries at the request of Mr. Pardo, Mr. Barron, or some other person, or for some reason or other?

A. No, sir.

Q. 75. Have you not at some time or other since the month of May, 1846, made it your business to turn to this general book of which you have testified, and look up these entries in the same, to which you have testified, and impress them upon your memory?

A. I had no reason to impress them on my memory, and did not make any examination of them until the 15th of April, as I have stated.

Q. 76. Can you not now remember to have read these entries at any time since their date in 1846, up to the 15th April last?

[Question objected to by Mr. Peachy, on the ground that there is no date to the entries.]

A. No, sir. I did not read them during that time.

Q. 77. You say that Pardo was the first who spoke to you about coming here; who else spoke to you on that subject, and when?

A. Mr. Barron and Mr. Pardo both spoke to me when I made up my mind to come, as I stated before.

Q. 78. What was it precisely that Messrs. Barron and Pardo asked you to do; what was itthey asked you to testify to?

A. They told me to endeavor to recall to mind the Castillero business, and to see the book and the expedientes, so that I might be able to testify here. They requested me to examine those documents, and to endeavor to recall thereby the facts to my mind.

Q. 79. What did you say upon the moment to Mr. Pardo and Mr. Barron, in reply to their request?

A. I stated to them that I would do my best to recall to mind what I was coming to testify to.

Q. 80. Did you not tell them then that they would find in the general book the entry of which you have testified?

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A. No, sir; because it was only when I began to examine the papers that I recollected it.

Q. 81. You say they told you to look at the expedientes and the book; do you mean this General Book 15, of which you have been testifying?

A. I do.

Q. 82. Did they not tell you that you would find in that book this very entry of which you have been testifying?

A. They told me nothing of it. I examined it so as to be able to testify that it was in my handwriting.

Q. 83. What did they tell you was the nature of the expedientes they wanted you to look at?

A. They told me to look at the expedientes relating to this business in the Ministry of Relations, in the Ministry of Gobernacion, and in the office of the Administracion de Mineria, and see if I knew any of the handwritings or signatures, so that I might testify to their genuineness.

Q. 84. And what did they tell you, you would find in the book?

A. They told me to endeavor to recollect the time when I kept the book, and to compare this traced copy with the original entries in the book.

Q. 85. Who put this traced copy into your hands, and on or about what date did you first see it?

A. It was first shown me by Mr. Pardo, during the time between the 15th of April and my departure from the city of Mexico.

Q. 86. Had they not spoken to you about this traced copy before the 15th April, and at the same time shown it to you?

A. No, sir. It was first shown me when I compared it with the original.

Q. 87. Have you not said that Messrs. Pardo and Barron, or one of them, asked you to examine the expedientes, to see whether you could recollect the signatures and handwritings; also to compare this traced copy with the original in General Book 15, at the time when you first consented to come, that is, on or about the 6th day of April last?

A. I have stated that Mr. Pardo saw me first in March, and that I then would not consent to come because my wife was then sick. They did not speak to me about the matter from that time until after the death of my wife, which occurred on the 6th of April. It was not immediately upon my consenting to come, that I was told to endeavor to recall those matters and look at the papers.

Q. 88. Do you mean that they did not ask you to examine the expedientes, and to compare this traced copy with the book until after the 15th April?



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A. It was after the 15th April that they asked me to compare this traced copy with the original in the book, and not before; the request to make all the comparisons was made after the 15th April last.

Q. 89. Had you not seen this traced copy of the entry in the book at any time before the 15th April; had not Messrs. Barron and Pardo told you that they had it?

A. No, sir. I did not see it until I made the comparison, and they did not tell me they had it.

Q. 90. Who showed you the entry in the General Book, and when?

A. The keeper of the archives produced the book at the request of Mr. Pardo, so that I might make the comparison, and showed us the page from which the copy was made.

Q. 91. Did Mr. Pardo have the traced copy there then?

A. He took it with him in his hand.

Q. 92. This happened on the 18th April last, did it not?

A. Yes, sir.

Q. 93. This was the first time you had ever seen that traced copy, was it not?

A. It was.

Q. 94. It was also the first time that you had seen those entries in the book since they were made, so far as you can now remember, was it not?

A. Yes, sir.

Q. 95. Are all the entries in the 157 leaves of that book in your own handwriting?

A. No, sir; because I was in charge of that book only from the 25th November, 1845, to the 19th December, 1846; and the book comprises the years from 1841, to the 10th July, 1846.

Q. 96. During the time that you were in charge, did no one but yourself ever make an entry in that book?

A. There are entries made during that time which were not made by me.

Q. 97. On that leaf—140—are there not entries which were not made by you?

A. Yes, sir; there are two.

Q. 98. Do you write the same hand now that you did in 1846?

A. It has not changed.

Q. 99. Soon as Mr. Pardo showed you the entry, you immediately recognized it as your handwriting, did you not?

A. Yes, sir.

Q. 100. The archivero handed you the book, open at the place Mr. Pardo produced the traced copy, and you made the

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comparison with the original, and the whole matter was over in a very few minutes, was it not?

Yes, sir.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, August 4, 1859.

Cross examination of José Maria Yrisarri resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 101. Is there any book of this description (I mean similar to General Book 15) now kept in the Ministry of Justice?

A. No, sir.

Q. 102. What time did the keeping of a book of that nature cease, in the Ministry of Justice?

A. That is the last book of the kind.

Q. 103. Do you know when it was first begun to keep a book of that sort in the Ministry of Justice?

A. The first of those books was begun when the Secretaria was first established, in 1821.

Q. 104. Were they afterwards regularly kept up to July, 1846?

A. Yes, sir.

Q. 105. Was all the business of every description in the Ministry of Justice noted in that book?

A. All the official documents were noted in that book, which were delivered by the Oficial Mayor to the person who had charge of the book.

Q. 106. Did the Oficial Mayor deliver to that person the expedientes, or other memoranda, of all the business of every description which was done in the Ministry of Justice?

A. No. The Oficial Mayor classified the business, and required only some of the documents from the Ministry of Justice to be noted in that book.

Q. 107. Were the rest of the documents of the Ministry of Justice noted in some other book?

A. No, sir. They were delivered to the proper oficial at the corresponding bureau (mesa).

Q. 108. Of the rest of the business of the Ministry then, I understand you to say, that there was no note or abstract like this kept any where?

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A. No, sir. Those other documents went to make up their respective expedientes.

Q. 109. Please tell me exactly, what were the various kinds of business which were required to be noted in this book?

A. I do not know that, because it was the Oficial Mayor who made the classification, and my duty was confined to merely noting what he gave me.

Q. 110. Did you not observe, during the time that you kept the book, that all the subjects noted might be referred to general heads?

A. I did not observe that.

Q. 111. Did you not observe, whether the subjects noted belonged to the class of the Ecclesiastical business—to the Department of Justice—that of Public Instruction—that of the Administration of Justice—to that of the branch of Criminal Justice, indifferently and alike, or whether they related to some one or more of these classes?

A. The subjects noted belonged to all those classes indifferently. What I noted in the book was the contents of such documents as I received from the Oficial Mayor.

Q. 112. You know then of no rule of selection of the subjects which were noted in this book; and you noted such only as the Oficial Mayor thought proper to order?

A. No, sir; and I did note only such as I received from the Oficial Mayor. I was a mere clerk of the Ministry at that time.

Q. 113. You mean that your work was purely mechanical, and that you paid no attention to what it was you were writing?

A. I was a mere clerk; my work was merely manual, but I cannot now remember whether I paid any attention to the subjects treated of, in the entries made by me.

Q. 114. In answer to the 41st question, I understood you to say that you have now no personal recollection of any thing having been done in the Ministry of Justice, on the subject of Castillero and his mine; and all that you now know about it, is what you see in the papers and in the book. Is that so?

A. The recollections which I have are solely from what I see in the papers and the book. I had no recollection of the matter before I saw the papers and the book.

Q. 115. Have you any personal recollection at all about the matter, even now? Have you any other knowledge than that you see certain things written in the papers and the book?

A. I have no personal recollection of anything connected with this mine. I remember about asking permission to get married.

Q. 116. To which of the branches of the Ministry of Justice, is the subject of the marriage of the employés referable?

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A. There is a branch called that of Ministerios, to which that subject appertains.

Q. 117. Which of the eight Oficiales has charge of that branch?

A. The one who attends to the affairs of Public Instruction —the Oficial Cuarto. This is the present condition of things.

Q. Which had charge of it in 1846?

A. There was a different organization (planta) in 1846. That business then belonged to the miscellaneous class (yndiferente). I cannot remember with certainty which Oficial had charge of this class in 1846, but I think it was the Oficial Sexto.

Q. 119. How is this general book made; do you purchase it already bound, or is it bound after the sheets have been written on?

A. It is a blank book, purchased already bound, to be used for that purpose.

Q. 120. Is it all written to the end of the 157 leaves?

A. It is all written on, to the last leaf.

Q. 121. What was the reason for not keeping a book of this description in the Ministry of Justice after the 10th July, 1846? Why was it stopped on that day?

A. I do not know.

Q. 122. It must have been stopped by the order of some one, must it not?

A. It must have been stopped by order of the Minister, or Oficial Mayor. I don't remember such an order, or the reason why the keeping of the book was discontinued.

Q. 123. Then you do not know why such an order was given, just at the moment when you had reached the bottom of the last page in the book?

A. I do not remember what happened then.

Q. 124. Can you swear that you had reached the last page of the book, just at the moment when the Oficial Mayor ceased to give you any more papers to note in it; and might there not, on the contrary, have been some seventeen or eighteen blank leaves remaining at that time?

A. I cannot swear to what happened then, because I have not an exact recollection of what occurred at that time.

Q. 125. As it is not to be supposed, I presume, that the Ministry of Justice changed its routine of business merely for the want of paper to write upon, does it not appear to you a very remarkable coincidence, that these entries should cease just at the moment you reached the bottom of the last page of your book, and that a custom which had prevailed in that Ministry since 1821 should stop just there?

A. Upon reflecting that I was in charge of the book up to

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the 19th December, 1846, I am uncertain as to whether the entries were continued in another book or not—the entries in that book being only up to July, 1846.

Q. 126. Why, then, in answer to the 102d question, did you say that this particular volume was the last book of the kind kept in the Ministry of Justice?

A. I meant to say that the custom or method of keeping such a book ended in the year 1846.

Q. 127. Do you, or do you not know, whether, after the 10th July, 1846, when you say that the general book 15 was concluded, another general book of the same nature was begun?

A. I do not remember whether another was begun or not.

Q. 128. Do you wish me to understand that there might have been such a book kept after that date, and you not remember it?

A. It is possible that that might have happened.

Q. 129. How could that have been, when you continued Oficial Octavo after the 10th July, 1846, and until the 19th December of that year, and, as such, it was your duty to make those entries in that book?

A. I remember that I was Oficial Octavo up to the 19th December, 1846; but what I do not remember is, whether any such book was kept or not, after the 10th July of that year.

Q. 130. Of course, then, you do not remember whether such a book was kept after the 19th December, 1846, when you ceased to be Oficial Octavo, and it was no longer your duty to keep it?

[Question objected to by Mr. Peachy, on the ground that the counsel for the U. S. has no right to state to the witness what he does not remember.]

A. I don't know whether any such book was kept after the 19th December, 1846, and until the end of that month; but I do know that there was no such book kept after that year.

Q. 131. How do you know?

A. Because I saw that it was discontinued. I don't know why; but I saw that it was not continued.

Q. 132. How should you remember that the book was not kept after you went out of office, and not remember whether or not it was kept while you were in office; can you remember better what another man did than what you did yourself?

A. Because I cannot remember whether the book was kept or not at so remote a period; but I can remember that, after 1846, such a book was not kept.

Q. 133. If you cannot remember whether you continued to

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keep a book of this sort after the 10th July, 1846, or not, how can you be certain that you continued to keep this book up to precisely that day?

A. I am reminded that I kept the book up to 10th July, 1846, by the certificate of the Oficial Mayor, and by my knowing that I was the Oficial Octavo from the 25th of November, 1845, to the 19th December, 1846.

Q. 134. If you had never seen the certificate of the Oficial Mayor, to which you refer, would you be able to swear to anything at all about this book; do you now know or remember personally anything about it?

A. I would remember, without having seen that certificate, that I had kept the book. I have a personal recollection of the book.

Q. 135. Could you remember, without that certificate, whether you had ceased to keep the book before or after the 10th July, 1846?

A. I certainly would not; for before I came I did not examine the book, except merely for the purpose of comparing the traced copy, which I spoke of.

Q. 136. The only reason, then, which you have for saying that this book contains the entries down to the 10th July, 1846, is, that you believe what is stated in the certificate of the Oficial Mayor, attached to the traced copy filed in this case as "Exhibit Bassoco No. 12, O. H."?

A. Yes, sir; because I did not examine the book myself.

Q. 137. But, as the certificate does not say anything about continuing to keep such a book after the 10th July, 1846, you are unable to say whether any such was or was not kept?

A. It is not because the certificate does not say so, but because I do not remember whether such a book was kept or not after that date.

Q. 138. Believing the Oficial Mayor, when he says that this book was kept up to the 10th July, 1846, and knowing that you were an Oficial Octavo at that time, you conclude that you must have kept it, and so swear that you did keep it, up to that date, do you not?

A. No, sir. I do not swear that I kept the book, on account of what the Oficial Mayor says, but I know that I did keep it up to that date. What I am in doubt about is, whether any other book was kept after that, up to the end of 1846.

Q. 139. Do you say distinctly and positively that you remember the fact of your keeping this book up to the 10th July, 1846, without any reference to the certificate of the Oficial Mayor?

A. I would not remember the date at which this book ended,

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without having seen the certificate, as I did not examine the book myself before coming.

Q. 140. How then, in answer to the 138th question, could you say that you swore to the keeping of the book, up to the day mentioned in that question, not on account of what the Oficial Mayor says, but that you did know that you kept it up to that date?

A. I meant that I kept that book during the time that I had charge of it. I stated before, that I did not examine the book before leaving to see the date to which it ended, but I know that I kept it. I may have misunderstood the question No. 138.

Q. 141. Then I repeat question 138?

A. I certainly did not understand this question as I understand it now.

I conclude from the certificate that the book ends at the date, July 10th, 1846, but I know that I kept it.

Q. 142. If you only know by the certificate that the book ends on July 10th 1846, how can you know otherwise, than by the same certificate, that you kept the book up to that day?

A. Because it was my only business at that time to keep that book.

Q. 143. If the fact that it was your only business to keep that book, enables you to remember that you kept it up to the 10th July, 1846, ought it not also to suffice to enable you to remember, that on that day the entries in the book ceased to be made, without resort to the certificate of the Oficial Mayor?

[Question objected to by Mr. Peachy, because it incorrectly states the witness' testimony; the witness having answered whenever the questions on the subject were explained to him, and comprehended by him, that but for the certificate of the Oficial Mayor he would not be able now to state that he had kept that book up to the 10th July, 1846.]

A. I could not precisely remember the date at which the volume ends, without seeing the certificate of the Oficial Mayor.

Q. 144. Without that certificate, would you have been able to swear that the book did not end some time before the 10th July 1846; for example, the 1st April or the 1st May of that year?

A. Without having seen the certificate, I could have sworn that the book was written upon up to the last leaf, but I could not have stated the last date in the book.

Without seeing the certificate, I could have sworn that the book did not end on the 1st May, because in that month I asked for leave to marry.

Q. 145. On what day did you obtain that permission?

A. On the 18th day of May 1846.

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Q. 146. Were you married on the same day?

A. No, sir. I was not married until the 25th of the same month.

Q. 147. Did you continue in the ordinary discharge of your duties a short time before and after that event; or did you obtain a leave of absence?

A. I was absent one or two days when I was married; and during several other days, about that time, I was not as long in attendance as usual.

Q. 148. Did you not have a leave of absence from the office, to commence shortly after obtaining the permission, *i. e.* before the celebration of your marriage, and ending some time after that event?

A. I obtained leave to be absent for some hours every day. I don't remember what the terms of the permission were; but I began to make use of it, I think, on the day of my marriage.

Q. 149. Don't you think that you obtained this leave of absence on or about the same day that you got the permission to marry?

A. I will explain that it is not necessary to ask two permissions, it is only necessary to ask for permission to be absent for a certain time, stating why such permission is asked; as, in my case, I asked leave of absence for the purpose of getting married. This permission gave me the right to be married, and also to absent myself for that purpose.

Examination adjourned until Saturday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 6, 1859.

Cross Examination of José Maria Yrisarri resumed from Thursday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Examination adjourned by consent to Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 8, 1859.

Cross Examination of José Maria Yrisarri resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Q. 150. Were you married in the city of Mexico?

A. I was.

Q. 151. If a clerk or other employé in any of the Ministries of the Mexican Government marries without permission, and asking leave of his superior, would he be prejudiced by that circumstance?

A. He would not be prejudiced himself, but his widow would, because the object of the permission is to secure to the widow, in case of the death of the employé, the pension which is allowed.

Q. 152. And if the employé marries without that permission, would not his widow have the same pension?

A. No, sir.

Q. 153. What is the object of such a regulation as that? What has the Mexican Minister to do with the choice of a wife by one of his clerks or employés?

A. I don't know what the object of such a custom is, but it has always been the custom as far as I know; it was so when I became an employé of the Ministry.

Q. 154. Do you know of any law, decree, or reglamento to that effect?

A. No, sir. I learned from my associates in the office, when I was about to be married, that it was necessary to have permission, for the reason I have mentioned.

Q. 155. Do you know of any case where the widow was refused a pension because the marriage was without the permission of the Minister?

A. I don't remember any such case.

Q. 156. Do you remember to have heard that regulation spoken of at any other time than on the occasion of your own marriage?

A. That was the only time I heard that custom spoken of; I also learned in the Ministry itself, that, before the widows got the pension, it was usual to apply for a certificate showing that permission for the marriage had been obtained.

Q. 157. When did you learn that, and from whom?

A. I learned it from my associates in the Ministry, many years ago.

Q. 158. Did you not learn it at or about the same time that you obtained leave to marry?

A. I learned it about the same time, and for that reason.

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Q. 159. Tell me the amount of the pension allowed to the widows of the various employés of the Ministry, respectively.

A. The amount of the pension depends upon the length of time they have been employed.

Q. 160. Does it not also depend upon the grade of the employé?

A. It does.

Q. 161. What would have been the amount allowed to the widow of the eighth official, which grade you held at the time you were married?

A. I received a salary of fifty dollars per month, at that time; and if I had died then, having been ten years in the service, my widow would have received an amount between ten and sixteen dollars a month, as near as I can now remember.

Q. 162. What is the name of the fund, and how raised, out of which this pension is paid?

A. It is called Monte Pio, and it is raised by withholding from the employés a portion of their salaries. If the employé dies, leaving no widow, but minor children, they receive the pension, but if the children are of age they receive nothing from the Monte Pio.

Q. 163. As this fund is raised out of the salaries of the employés, how should it be necessary to ask permission of the Minister before marrying? Why should not one employé have as much right as another to avail himself of this regulation to provide for his widow by laying up a part of his salary?

A. I don't know why that is the case; I only know that it is so.

Q. 164. How was the Ministry of Justice constituted in 1846, and before the change in the schedule of employés of which you have spoken?

A. There was a Minister, an Oficial Mayor, Mayor Segundo, Segundo Primero, Segundo Segundo. There were Oficiales, third, fourth, fifth, sixth, seventh and eighth; an Archivero; two Escribientes de Archivo; four Escribientes of the Secretaria; a Porter; an office boy (Mozo de Oficio) and two Ordenanzas (Messengers.) These were the offices constituting the Ministry at that time.

Q. 165. What were the duties of these officers respectively?

A. It was the duty of the Minister to consult with the President, in regard to the disposition of business, the making of acuerdos, and other duties which I can't remember. He was the head of the office.

The Oficial Mayor acted in lieu of the Minister, when he was absent; he might also make certain acuerdos in regard to business, which did not require the action of the Minister; he was the immediate head or chief of the other employés.

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The Mayor Segundo, as well as I can recollect, had charge of the Bureau (Mesa) of Public Instruction.

The Segundo Primero had charge of what was called the Ramo de Eclesiastico Regular.

The Segundo Segundo had charge of what was called the Ramo de Eclesiastico Secular.

The third Oficial had charge of the Ramo de Agenteo de Negocios y Escribanos.

The fourth Oficial had charge of the Ramo de Mineria.

The fifth Oficial had charge of the Ramo de Justicia.

The sixth Oficial, as well as I can recollect (for I don't recollect distinctly), had charge of the Ramo de Ministerios é Yndiferentes.

The seventh Oficial had charge of the Ramo de Justicia Criminál.

The eighth Oficial had charge of the book which was called, at that time, Libro de partes.

It was the duty of the Archivero to arrange and keep the archives.

It was the duty of the two Escribientes de Archivo to write whatever they were required to, in the office where the archives were kept, (Archivo.)

It was the duty of the four Escribientes of the Secretaria to make all the fair copies that were required.

The Porter took care of the office.

The office boy kept the office clean, and the Ordenanzas went on messages.

Q. 166. What sort of a book was that kept by the eighth Oficial? Describe it.

A. It is a book in which was entered a note of contents (membrete) of documents set apart by the Oficial Mayor for that purpose; and in which also were copied the acuerdos upon said documents.

Q. 167. Was that the book which you kept.

A. Yes, sir.

Q. 168. As you kept that book, you are certain of the proper name for it—are you not?

A. It was called Libro de Partes, because it was by reference to it that the condition of the business of the Ministry was ascertained: It was also known as the general book, No. so and so.

Q. 169. It is the same book, then, as that called Libro general?

A. Yes, sir. That was the true name; but on account of the use which was made of it, it was also called Libro de partes.

Q. 170. What salary did you get at that time?

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A. Six hundred dollars a year.

Q. 171. Was not that a large salary for doing nothing but making an entry for a few days in that book?

(Question objected to by Mr. Peachy, because it is irrelevant.)

A. That was the salary that was provided for that office.

Q. 172. This "Exhibit Bassoco No. 12, O. H.," purports to be a traced copy of two pages from that book, to wit: the leaf 140, on both sides of it; the first date I see in it is May 11; at the beginning of the first page, and near the bottom of the second page is June 27, which seems to be the amount of your labors in keeping that book for one month and sixteen days, or that you wrote a page and a-half in a month—say eighteen pages in a year. Is it possible that you were paid six hundred dollars for doing that little work?

A. Sometimes there was more business done than is indicated by this leaf.

Q. 173. On the two pages, taken together, I find about forty lines; deduct half a page, there remain thirty lines; at ten words to the line, there are three hundred words in a month; twelve months, thirty-six hundred words, which is something more than a day's work. I suppose, therefore, that the general average of your labors on that book (your sole business you say) must have been very much greater than your labor during the months of May and half of June, 1846; seeing that by the calculation I have just given you must, at that time, have been receiving sixteen cents and a fraction for every word you wrote.

A. I cannot state what the average would have been, but it sometimes was more than it was in the months of May or June. I did all the work I was required to do, whether it was much or little. That was the salary which was prescribed for that office.

Q. 174. Why was it that about this time in the year 1846, viz: in May and June, you had so little writing to do in this book?

A. I don't remember why.

Q. 175. What is the reason that such wide spaces are left between these entries, so that another entry of equal length might be written immediately after each of these which appear on this exhibit?

A. When I took charge of this book I found that it had been kept in this way, and I continued to keep it in the same way.

The object of leaving those blanks, as I understood, was, that the Acuerdos might be copied into them; and they were left

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pretty large, so that the Acuerdo, if a long one, would have space enough for it. There was sometimes more than the Acuerdo to be entered in those blanks, because some business was not at once dispatched by an Acuerdo, because there were other proceedings which had to be noted in those blanks.

Q. 176. Please look at this exhibit, and say how many entries on these two pages would require to be followed by an Acuerdo?

A. Each one has an Acuerdo.

Q. 177. Then by an Acuerdo you mean a note of the disposition which was made of the subject, no matter what the disposition might be; as for example, after the entry of the fact that you had asked permission to marry, the single word Concedido (granted) you call an Acuerdo?

A. Yes, sir. The resolution which is made of the business is what is called an Acuerdo. In leaving those blanks I only followed the custom, and in stating what the object of having them was, I stated merely what I supposed it to be.

The word Concedido is an Acuerdo in the matter referred to.

Q. 178. Do you remember whether the leaves in that book are all writen upon on both sides, like this leaf, 140?

A. Yes, sir. They are all written on both sides, just like this one.

Q. 179. The three and a half lines on the reverse of this leaf, 140, constitute what you call the membrete of the communication from the Junta de Fomento, etc., transmitting the petition of Don Andres Castillero, etc., etc., do they not?

A. Yes, sir. That is what I consider the membrete?

Q. 180. After that was entered, then this very wide blank which immediately follows was for the purpose of entering the Acuerdo which should express the action of the Government in the matter, was it not?

A. Yes, sir.

Q. 181. If the Minister had kept the communication from the Junta, under advisement, from the day on which it was presented until the present day, then the three lines and a half beginning with the words May 20, and constituting his Acuerdo, should now be written in that blank, should they not, according to the custom of the office in the manner of keeping that book?

A. A case of that kind never occurred, but if it should occur, I suppose there would be a consultation to determine with regard to the entry of the Acuerdo.

Q. 182. That I presume is merely your conjecture, but as you have said the blank was left to be filled up afterwards, I suppose you have no means of knowing how long a time might

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be suffered to elapse before the Minister should deem proper to give his determination, and have it entered in the blank which had been left for it; whether it would be days, weeks, months, or even years, have you?

A. I have no reason to know the time that might have been allowed for that purpose. I have stated my present conjecture of what would have been done in the case suggested.

Q. 183. The dates written on the margins of these two pages are intended as the dates of the several papers noted in the different entries, and not as the days on which those entries were written in this book; is not this so?

A. They are the dates taken from the documents to which the entries refer.

Q. 184. Is there anything on that paper to show the day, month, or year, that you wrote the words of the first entry on the reverse of the leaf 140; that is to say, those words which you say constitute the Membrete and Acuerdo?

A. No, sir.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., August 9, 1859.

Cross-examination of José Maria Yrisarri resumed from yesterday.

On account of the indisposition of Mr. Peachy, of counsel for claimant, examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., August 10th, 1859.

Cross-examination of José Maria Yrissari resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Q. 185. How is it that you remember the day on which Becerra became Minister of Justice, and the day that he surrendered that office?

A. I ascertained these dates from the books in the Ministry before I came here.

Q. 186. How do you recollect Becerra, when he entered the

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Ministry of Justice, was Bishop elect of Chiapas, that he was ordained in 1848, and died on a certain day in 1854?

A. When Mr. Becerra became Minister of Justice he was known as, and called, the Bishop elect of Chiapas; this was how I knew it. I learned in the Ministry, shortly before coming here, from my associates, that he was ordained in 1848, and I read of his death, shortly before I left Mexico, in the newspapers of 1854.

Q. 187. On what day did he die?

A. On the 17th December, 1854.

Q. 188. You say you have seen Becerra sign his name; where?

A. In the Ministry, when he was Minister.

Q. 189. In the room where you were yourself employed?

A. No, sir; in his office (despacho).

Q. 190. What business had you in the Minister's office?

A. It was the custom to have one of the oficiales and an escribiente in attendance on the Minister every day, to submit documents to him for his signature, and when signed to make the proper disposition of them; it was in the discharge of this duty that I had occasion to be present in his office (despacho).

Q. 191. Did you not say that your only business was to keep the general book, to the entries on the 140th page of which you have testified?

A. Yes, sir, but it has been the custom, from time immemorial, for each oficial to attend, in turn, upon the Minister, as I have stated; for example, our office hours begin at 9 o'clock, A. M., and end at 4 P. M., and after that hour (4 P. M.) there is what we call a guardia left to attend the Minister; by guardia is meant an escribiente under an oficial—the Minister having no regular hours of business; this guardia remains until they are notified they are no longer wanted.

Q. 192. Why does not this guardia attend the Minister before, as well as after, the hour of 4 P. M.?

A. Because before that hour all the employés were present in attendance.

Q. 193. Has not the Minister secretaries or clerks of his own, whose exclusive business it is to be in attendance upon him, in his office, at all hours that he is there himself?

A. No, sir, they are all, in general, at his service.

Q. 194. Do you know the signatures of all the different officers of the Government who addressed communications to the Minister of Justice during the time you have been employed under that Ministry?

A. I cannot say that I know the signatures of all, but I do know the signatures of the greater part of those persons.

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Q. 195. It will soon be fourteen years since, as you say, you entered upon the office of eighth Oficial of the Ministry of Justice. During that time there have been a great many changes in the Government of Mexico, and a very great number of persons holding office in the same, and doubtless corresponding frequently with the Minister of Justice. Can you now venture to swear that you know the signatures of even one-tenth of this great number of persons?

[Question objected to by Mr. Peachy, as irrelevant.]

A. I know a great many, but I cannot fix the precise proportion—whether one tenth, or less or more.

Q. 196. You say you know the signature of Tornel because he was Secretary of War in 1846, and addressed various communications to the Ministry of Justice, where you were at that time employed; ought you not, for the same reason, to know the signatures of all other Ministers who were in the habit of addressing communications to the Minister of Justice?

A. I do know some of their signatures, but not all.

Q. 197. Why should you know the signature of Tornel any better than you know that of any other Minister, who has corresponded with the Minister of Justice for the last fourteen years?

A. I have reason to know his signature better than those of other Ministers, because, besides having been Minister, he was at one time Governor of the District of Mexico.

Q. 198. Do you know the signatures of all the other Governors of the District of Mexico since 1846?

A. I cannot say whether I do or not, because I don't remember who they were.

Q. 199. Why should you be more familiar with the signature of Tornel than that of any other Governor?

A. I do not say that I am more familiar with his signature than that of any other, but I do not at this moment remember any whose signature I am as familiar with.

Q. 200. Why then did you say that the fact of Tornel's being Governor of Mexico, aided you to remember his signature?

A. Because, as Mr. Tornel is spoken of, I remember that he was Governor of that district at one time, and as such he signed the decrees (bandos) which were posted at the corners of the streets, and therefore I saw it more frequently.

Q. 201. For the same reason ought you not to know the signatures of all the other ministers as well as Tornel's?

A. I do not say that I do not know them as well, nor do I say that I do know them all; I only say that I do not now remember who they were.



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Q. 202. You say you know the signature of Gondra, because he was the keeper of the National Museum, and as such, addressed communications to the Minister of Justice; have there not been other persons, during the last fourteen years, keepers of the National Museum?

A. The only other keeper of that Museum whom I now remember, is the present one, Don Fernando Ramirez.

Q. 203. When did Gondra first assume the office of keeper of the Museum?

A. I do not recollect.

Q. 204. When do you remember to have first known of his being keeper of the Museum?

A. I know he was keeper of the Museum, but I cannot recollect at what time.

Q. 205. Will you swear that he was keeper of the Museum in 1846?

A. I will not, because I am not certain about it; I know he was keeper at some time between that time and this.

Q. 206. In 1847?

A. I cannot state positively that he was in that year; I have an idea that his immediate successor was Mr. Ramirez, the present keeper.

Q. 207. In 1848?

A. I know that he was keeper of the Museum, but I cannot state during what time.

Q. 208. In 1849?

[Question objected to by Mr. Peachy as having been already answered.]

A. I cannot fix the time.

Q. 209. In 1850?

A. I have said I cannot remember the time.

Q. 210. If you do not remember enough even to be able to swear that Gondra was keeper of the Museum in any one of the five years I have mentioned, what is it that has impressed his handwriting so strongly upon your memory?

A. I knew his handwriting when he was keeper of the Museum, and I remembered it upon comparing the traced copy of the communication from the Junta de Fomento with its original, which is signed by him as Secretary.

Q. 211. If you paid so much attention to the communications of Gondra, as to be able to swear to his handwriting and signature, how is it that you cannot remember any one year in which you saw such communications?

A. Because I cannot remember at what time he was keeper of the Museum, at which time I knew his handwriting, and

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upon making the comparison referred to, I remembered the handwriting and signature.

Q. 212. Who was the Minister of Justice next before Becerra?

A. According to my recollection the Oficial Mayor of the Ministry was acting as Minister. I thought of this in Mexico before I came here, and this was my recollection then.

Q. 213. Who before that Oficial Mayor?

A. I have an idea—but I am not at all certain—that Don Demetrio Montesdioca was.

Q. 214. Who before him?

A. I don't remember.

Q. 215. Please mention all the Ministers of Justice whom you can remember since Becerra, and in the order of their succession?

A. I will state the names of those I recollect, but I cannot remember the order of their succession. They are these: José Maria Jimenes, José Ramon Pacheco, Teodosio Lares, Benito Juares, Ezequiel Montez, Francisco Xavier Miranda, and Manuel Larrainzar, who is the present incumbent. These are all that I remember.

Q. 216. Can you not remember in what year each of these held their office respectively?

A. Mr. Jimenes was Minister about the latter part of 1846 to the best of my recollection; Mr. Pacheco was Minister in the same year also; Mr. Lares was Minister in 1853; Mr. Juares was Minister in 1855; Mr. Montez in 1856 or 1857, I am not sure which; Mr. Miranda I think in 1858.

Q. 217. Who was President of the Republic of Mexico in 1846?

A. The first was Don Mariano Paredes, as I remember—I am not certain—José Mariano Salas, and about the end of the year, Don Antonio Lopez de Santa Anna.

Q. 218. Mention all the persons who held the office of Minister of War since 1845, and the order of their succession, respectively.

A. I have not thought of this matter, and I can now remember only Don José Maria Tornel and Don Juan Nepomuceno Almonte. They both held that office in 1846, Tornel first and Almonte next.

Q. 219. Do you remember any better the persons who have filled the various Ministries of Mexico during the last fourteen years?

A. I can remember only a few of the other Ministers.

Q. 220. Mention such as you now remember, and the times in which they were in office.

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A. As I remember, Don Manuel C. Rejon was Minister of Relations in 1846; Mr. José Maria Lafragua was also Minister of Relations in that year; Mr. Joaquin Castillo y Lanzas was also Minister of Relations in that year. Mr. Parres was Minister of Hacienda in 1846, and Mr. Iturbe also held that office in that year. Mr. Valentin Gomez Farias also held the same office in that year. Mr. Bonilla is now Minister of Relations. These are all that I can now remember.

Q. 221. As the persons you have named do not, as I suppose, constitute the tenth or even the twentieth part of those who have held places in the various administrations of the Mexican Government during the last fourteen years, how is it that you say that you recollect the handwriting and signatures of a large portion of these same persons, who must have all corresponded at some time or other with the Ministry of Justice; how do you know that you could identify the handwriting and signatures of such a multitude of persons, whom you cannot now even remember?

A. I cannot remember all those persons, but I know the handwriting and signatures of a great many whom I cannot call to mind.

Q. 222. How is it that you have so clear a recollection that all the persons who signed the documents offered in support of this claim, held their respective offices at the dates of the making of those papers, and also so clear a recollection of their respective handwritings and signatures, when you have forgotten everything about so many others, that held the same offices both before and after those whose names appear on the paper in question?

A. There are a great many of those persons whom I have forgotten, but whom I should remember at once if I should see their handwritings; and the persons whose handwritings and signatures I have sworn to, I knew in 1846; and when I made the comparisons referred to, I recollected them.

Q. 223. Do you mean that you have a better recollection of the various handwritings to be found in the Ministry of Justice, than you have of the various persons who, during your time, have held office in the Mexican Government; that is to say, would you resort to those handwritings to enable you to remember who the person was that held office at a given time, rather than to your recollection of the person that held the office, in order to identify the handwriting appearing on a given paper?

A. I knew the persons and handwritings of which I have spoken, in 1846, and have known them since; and when I made the comparisons in Mexico, before I set out to come

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here as I stated, I was reminded of those persons and their handwritings, though I knew them before, as I stated; but, with regard to the other persons and handwritings which I have known, I have had no occasion to remember them; there has been nothing to remind me of them.

Q. 224. Before you left Mexico to come up here to testify, Mr. Pardo asked you about all the persons, handwritings, and signatures to which you have testified, did he not?

A. He only told me to compare the traced copies, and see what signatures and handwritings I knew.

Q. 225. You discovered that you knew all the persons, handwritings, and signatures appearing on those traced copies, just as you have testified on your direct examination, did you not?

A. Yes, sir.

Q. 226. Do you not think that if Mr. Pardo had shown you any other papers purporting to come from the same offices, that you would have remembered just as well, all the persons, handwritings and signatures appearing therein?

A. No, sir. I know these because they are original expedientes which I have seen.

Q. 227. But if he had shown you other papers purporting to be original expedientes and traced copies of the same?

A. I cannot say what I would have answered if I had been shown other expedientes, but with regard to these I knew the handwritings and signatures, and that they were the original expedientes.

Q. 228. Did it not happen that you knew all that Mr. Pardo seemed desirous to learn about those papers; was there anything that you had forgotten?

[Question objected to by Mr. Peachy, upon the ground that it does not appear that Mr. Pardo desired to know anything about those papers, except to learn from the witness whether he was acquainted with either the handwritings or signatures.]

A. If Mr. Pardo desired to know anything, he did not state to me what it was.

Q. 229. He wished to know about the handwritings and signatures to which you testified, did he not?

A. He merely asked me whether I knew them, and I said I did; this was all that passed.

Q. 230. You knew them all?

A. I did not state that I knew all the handwritings and signatures in the expedientes, because there were some which I did not know.

Q. 231. Those that you did not know were only a few, were they not?

A. Yes, sir.

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Q. 232. Have you any objection to writing a few words for me?

A. No, sir.

[The witness, at request of counsel for the U. S., then wrote the following words, which were dictated to him by the interpreter, and not copied from any paper. The contractions which occur after the word "Mayo 20" were written as dictated by the interpreter, which said writing is hereto annexed, and marked "Exhibit Yrisarri No 1, W. H. C."]

Examination closed.

JOSE MA. YRISARRI.

Sworn to, and subscribed before me, September 17, 1859.

W. H. CHEVERS,
U. S. Commissioner.

NOTE BY THE COMMISSIONER. — The foregoing deposition was signed by the witness at this date, because the interpreter was unable, on account of other engagements, to attend to the reading of the deposition any sooner.

San Francisco, Sept. 17, 1859. W. H. CHEVERS,
U. S. Commissioner.

Filed: Sept. 17, 1859.

W. H. CHEVERS,
U. S. Commissioner.

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## EXHIBIT YRISARRI No. 1, W. H. C.

El S. Presidente de la Junta de Fomento de Mineria acompaña con recomendacion la solicitud de D. Andres Castillero p$^{a}$ el Fomento de la mina de azogue q$^{e}$ ha descubierto en la Mision de S$^{ta}$ Clara en la Alta California.

Mayo 20.—Se concede en los terminos en que se propone; y por lo tocante al terreno librese la orñ correspondiente al Minist$^{o}$ de Relac$^{s}$ p$^{a}$ las providencias de su resorto en concepto de que el Gob$^{no}$ Sup$^{mo}$ está anuente á la solicitud.

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## TRANSLATION OF EXHIBIT YRISARRI No. 1.

The Señor President of the Junta de Fomento de Mineria, accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California.

May 20th.—It is granted in the terms proposed; and as regards the land, let the proper order issue to the Minister of Relations, for the measures which it belongs to him to take, with the understanding that the Governmant assents to the petition.

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# DEPOSITION OF MARIANO MIRANDA.

—

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 11, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c. &c., came Mariano Miranda, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

On motion of Mr. Randolph, counsel for the United States, the examination of this witness is continued until the 18th inst. at 11 o'clock, A. M.: the said motion having been made on the ground of indisposition.

Mr. Peachy, the counsel for claimant, desires to state that the United States District Attorney is absent from the State; that the gentleman to whom the District Attorney has entrusted the business of the Government during his absence, says he has no authority to appear for the Government in this case, and therefore to Mr. Randolph's motion for an adjournment for the reason assigned, he has nothing to oppose.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, Cal., August 18th, 1859.

Direct examination of Mariano Miranda resumed from August 11th.

Present: Mr. Peachy, of counsel for claimant.

QUESTION 1. What is your name, age, and place of residence?

ANSWER. Mariano Miranda; my age is 30 years, and my residence at the city of Mexico.

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Q. 2. Were you ever in the employment of the Mexican Government, and in what capacity?

A. In January, 1846, I entered the Ministry of Justice as meritorio, that is, on probation, and without pay; and in 1847 I was appointed a clerk (escribiente) in that Ministry. I continued in that appointment until 1852, since which time I have not been in the employ of the Mexican Government.

Q. 3. What has been your employment since?

A. I have been employed in a mercantile house in the city of Mexico—the house of Don Joaquin Borbolla, in which I have an interest.

Q. 4. Who was Minister of Justice when you were first employed in that department, in 1846?

A. Don José Maria Luciano Becerra.

Q. 5. Is Mr. Becerra living; if not, when did he die?

A. He is dead. He died on the 17th December, 1854.

Q. 6. What was his occupation at the time of his death?

A. He was Bishop of Puebla.

Q. 7. Was he in holy orders while he was Minister of Justice in 1846?

A. He was in holy orders at the time, and Bishop elect of Chiapas.

Q. 8. When was he ordained Bishop?

A. I don't remember; I know that he acted as Bishop of Chiapas, and must of course have been ordained before he acted as Bishop; he was afterwards transferred to the diocese of Puebla.

Q. 9. Which is the most important diocese in the Republic of Mexico?

A. The most important is that of Mexico, which is presided over by the Archbishop of Mexico. The next most important diocese in the Republic is that of Puebla. The Archbishop of Mexico and the Bishop of Puebla receive yearly the same revenue.

Q. 10. Examine the document now shown you, marked "Exhibit Bassoco No. 7, O. H."; state whether you have compared it with its original; where the original exists; when, where, and in what manner was the comparison made; and is this a faithful copy of the original?

A. I have compared it with its original, which exists in the office of the Administracion del Fondo de Mineria. I made the comparison in that office on the 6th April of this year. I made the comparison by having the original read to me while I read the copy, and then having the copy read to me while I read the original; I then laid each leaf of this traced copy upon its original. This is a perfectly faithful copy of the original.

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Q. 11. Are you acquainted with any of the persons whose handwriting and signatures appear in the said original expediente; do you know any of said handwritings or signatures; how do you know them; and are they genuine?

A. I do know some of them; to wit, Ysidro Rafael Gondra, José Maria Tornel, Agustin Ruiz, José Maria Luciano Becerra, Teodoro Sotomayor, and Vicente Segura.

The caratula or superscription on the page preceding that marked No. 1 (in red ink,) is in the genuine handwriting of the said Gondra.

The document in the said original expediente purporting to be an office copy of a communication addressed by the Junta de Fomento to the said Tornel, Director of the National College of Mining, dated the 21st April, 1846, and requesting him to have assayed the accompanying specimens of cinnabar, is in the handwriting of the said Gondra; a copy of the said document will be found on page No. 1, (in red ink) of this "Exhibit Bassoco No. 7, O. H."

The document in the original expediente purporting to be an original letter from Tornel, Director, etc., addressed to the President of the Junta de Fomento, making known the result of said assays, and dated the 29th April, 1846, bears the genuine signature of said Tornel. The marginal note on the said original communication, in the words following, "Recibido el dia 3 del presente Mayo," bears the genuine signature of said Segura. The next marginal note, in the words following, "Mayo 4, 1846. Que se inserte al Gobierno manifestando haberse recibido la nota hasta ayer," is in the genuine handwriting of the said Gondra. A copy of the said original communication and marginal notes is found on pages 5, 6, and 7, (in red ink) of this Exhibit.

The document in the original expediente purporting to be an office copy of a communication addressed by the Junta de Fomento to the Minister of Justice, dated May 5th, 1846, and informing the said Minister of Castillero's discovery, of the result of the assays, etc., is in the genuine handwriting of the said Gondra; a copy of it will be found on pages 8 and 9, (in red ink) of this Exhibit.

The document in the said original expediente purporting to be an original communication from the said Becerra, Minister of Justice, to the said Segura, President of the Junta de Fomento, acknowledging the receipt of the Junta's communication of the 5th May, 1846, bearing date the 9th May, 1846, is in the genuine handwriting of the said Agustin Ruiz, and bears the genuine signature of the said Becerra; a copy of it will be found on page 10 (in red ink) of this Exhibit.

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The document in the said original expediente purporting to be a communication from the said Junta de Fomento, addressed to the said Minister of Justice, dated May 14th, 1846, inclosing and recommending certain propositions which Castillero had made to the said Junta, is in a handwriting with which I am unacquainted, with the exception of certain interlineations and emendations, which are in the genuine handwriting of the said Gondra. The marginal note, or membrete, on the said office copy, is also in the handwriting of the said Gondra; a copy of this document is found on pages 11, 12, 13, 14, 15, 16, 17, and 18, (in red ink) of this Exhibit.

The document in the original expediente purporting to be a copy of certain propositions made by Castillero to the Junta de Fomento, dated May 12th, 1846, certified by the said Gondra, is in a handwriting with which I am unacquainted, but the certificate bears the signature of the said Gondra. A copy of this document will be found on pages 19, 20, 21 and 22 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be an original communication from Becerra, Minister of Justice, addressed to the said Segura, President of the Junta de Fomento, dated May 20th, 1846, making known that the President had approved of all of Castillero's propositions, is in the genuine handwriting of the said Sotomayor, and bears the genuine signature of Becerra. A copy of it will be found on pages 23 and 24 (in red ink) of this Exhibit.

I am acquainted with none of the other handwritings or signatures in the said original expedientes.

I know the handwritings and signatures of the said Tornel, Segura and Gondra, from having seen the same in official communications written and signed by them, and addressed to the Minister of Justice, while I was employed in the said Ministry.

I know the handwriting of Becerra, Minister of Justice, from having frequently seen him write and sign his name while he was Minister. I sometimes acted as his amanuensis for his private correspondence, and would see him sign the letters which I wrote under his direction.

Agustin Ruiz was a fellow clerk with me in the Ministry of Justice, where I saw him write every day, and in this way, I know his handwriting; in the same way I know the handwriting of Teodoro Sotomayor.

Q. 12. Is Agustin Ruiz living?

A. No. He died on the 3d May, 1848.

Q. 13. Examine the document now shown you marked "Exhibit Bassoco No. 8, O. H." State whether you have compared it with its original, where the original exists, when, where, and

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in what manner was the comparison made, and is this a faithful copy of the original?

A. On the 29th March last, I compared this copy with its original, which exists in the Ministry of Relations in the office of that Ministry. The comparison was made in the same manner in which I compared "Exhibit Bassoco No. 7, O. H," with its original, as I have testified, and this is a perfectly faithful copy of its original.

Q. 14. Are you acquainted with any of the persons whose handwritings and signatures appear in the said original expediente; do you know any of said handwritings or signatures; how do you know them, and are they genuine?

A. I do know some of the persons whose handwritings and signatures appear in the said original expedientes, to wit: Mariano Rodriguez, who in 1846 was Fourth Oficial; José Maria Duran, who in that year was Oficial Mayor Segundo; Joaquin Romanos, who in the same year was Oficial Segundo Primero. They were all employed in the Ministry of Justice. I am also acquainted, as I have said, with Vicente Segura and Ysidro Rafael Gondra.

The caratula or superscription on the original expediente is in the genuine handwriting of the said Rodriguez; a copy of it will be found on page No. 1 (in red ink) of this "Exhibit Bassoco No. 8, O. H."

The document in the original expediente purporting to be an original communication from the Junta de Fomento to the Minister of Justice, bearing date the 5th May, 1846, making known the discovery of this mine by Castillero, the result of the assay of the specimens from said mine, etc. etc., bears the genuine signatures of the said Segura and Gondra. The second marginal note on that document beginning with the words "Mayo 9, 1846," is in the genuine handwriting of the said Duran. A copy of this document will be found on pages 2, 3, 4, and 5 (in red ink) of this Exhibit.

The documents in the said original expediente purporting to be copies of certain letters and extracts from letters, written by Castillero from California, on the 19th and 22d February, 1846, to certain persons in Mexico, and certified by the said Gondra, are in a handwriting with which I am unacquainted, but the certificate bears the genuine signature of the said Gondra. Copies of these documents will be found on pages 6, 7 and 8 of this Exhibit.

The document in the original expediente purporting to be an office, copy or minuta of a communication addressed by the Minister of Justice to the Junta de Fomento, dated May 9th, 1846, and acknowledging the receipt of the said Junta's com-

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munication of the 5th of the same month, is in the genuine handwriting of the said Rodriguez. A copy of it will be found on page 9 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be an original communication from the Junta de Fomento to the Minister of Justice, dated May 14th, 1846, inclosing certain original propositions which Castillero had made to the said Junta, and recommending them to the Government, bears the genuine signature of the said Segura; I am unacquainted with the handwriting in the body of said communication, but the acuerdo on the margin of the said document, beginning with the words "May 20, 1846, Le concede en los terminos que se propone," etc., is in the handwriting of the said Romanos, and bears the genuine rubric of the said Becerra; a copy of the said document and acuerdo, or marginal note, will be found on pages 10, 11, 12, 13, 14, 15, and 16 (in red ink) of this Exhibit.

The document in the original expediente purporting to be the original propositions of Castillero to the said Junta, and to be signed by Andres Castillero, I am not acquainted with either the handwriting or signature of. A copy of it will be found on pages 17, 18, 19, 20, 21 and 22 (in red ink) of this Exhibit.

The document in the original expediente purporting to be an office copy or minuta of a communication addressed by the Minister of Justice to the Junta de Fomento, dated May 20th, 1846, acknowledging the receipt of the Junta's communication of the 14th of the same month, and of Castillero's proposals, and stating that the President had approved of said propositions in all their parts, is the genuine handwriting of the said Rodriguez. A copy of it will be found on page 23 (in red ink) of this Exhibit, above the letters and words, "E. S. Hoy, digo," etc.

The document in the original expediente purporting to be an office copy or minuta of a communication addressed by the Minister of Justice to the Minister of Relations, dated the 20th May, 1846, in which is inserted the foregoing communication from the Minister of Justice to the Junta de Fomento, and directing the Minister of Relations to do certain acts with regard to a grant of two leagues of land to Andres Castillero, is in the genuine handwriting of the said Rodriguez: a copy of it will be found on pages 23 and 24 (in red ink) of this Exhibit, beginning on page 23, with the words "E. S. Hoy, digo," etc., and ending on page 24, with the words "E. S. Ministro de Relaciones Exteriores y Gobierno."

I know the aforesaid signatures of Gondra and Segura in the way I have above stated. I know the handwriting of the said

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Rodriguez, Duran and Romanos, because, being employed in the Ministry of Justice while I was there, I saw them frequently write and sign their names.

Q. 15. Is Romanos living?

A. He died in 1847.

Q. 16. Examine the document now shown you, marked "Exhibit Bassoco No. 9, O. H.;" state whether you have compared it with its original, where the original exists, when, where, and in what name was the comparison made, and is this a faithful copy of the original?

A. On the 29th March last, I compared it with its original, which existed in the Ministry of Gobernacion, in the office of that ministry. The comparison was made in the same manner in which I compared "Exhibit Bassoco No. 7, O. H." with its original, as I have testified, and this is a perfectly faithful copy of its original.

Q. 17. Are you acquainted with any of the persons whose handwritings and signature appear in the said original expediente; do you know any of said handwritings or signatures; how do you know them; and are they genuine?

A. The document in the original expediente purporting to be an original communication addressed by Pio Pico in California, to the Minister of Relations, dated February 13th, 1846, making known the discovery of the mine of quicksilver by Andres Castillero, and inclosing an original communication from the said Andres Castillero to the said Pico, is in a handwriting and bears a signature with which I am unacquainted; but the marginal note on said document, beginning with the words "Abril 6, 1846," bears the genuine rubric of Castillo y Lanzas, who was at that date Minister of Relations. A copy of this document will be found on pages 2 and 3 (in red ink) of this "Exhibit Bassoco No. 9, O. H."

I do not know either the handwriting or signature to the next document in the said original expediente, purporting to be an original letter addressed by Andres Castillero to Pio Pico, Governor of the Department of the Californias, and to be dated at the Mission of Santa Clara, December 10, 1845. A copy of it will be found on pages 4, 5 and 6 (in red ink) of this Exhibit.

I do not know the handwriting of the next document in the said original expediente which purports to be an office copy or minuta of a communication addressed by the Minister of Relations to the Governor of California, dated April 6th, 1846, in reply to the foregoing. A copy of it will be found on page 7, (in red ink) of this Exhibit.

The next document in the said original expediente is an original communication addressed by Becerra, Minister of

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Justice, to the Minister of Relations, dated 20th May, 1846. It inserts a letter of the same date from the Minister of Justice to the President of the Junta de Fomento, and it concludes with these words (which the interpreter translates as follows): "and I have the honor of inclosing it to your Excellency to the end that with regard to the petition of Senor Castillero, to which his Excellency the President, *ad interim*, has been pleased to accede, that as a colonist there be granted to him two square leagues of land on his mining possession; your Excellency will please to issue the proper orders." The body of this letter is in my own handwriting, and it bears the genuine signature of the said Becerra. The marginal note on the said original letter, which as translated by the Interpreter, reads as follows: "May 23rd, 1846. Let the orders referred to in this communication issue," is in a hand-writing with which I am unacquainted, but it bears the genuine rubric of Senor Castillo y Lanzas: a copy of the original communication and marginal note will be found on page 8 and the reverse of page 9 (in red ink) of this Exhibit.

The next document in the said original expediente purporting to be an office copy, or minuta, of a communication addressed by the Minister of Relations to the Governor of the Californias, dated May 23rd, 1846, inserting the foregoing communication from the Minister of Justice to the Minister of Relations, and ending with the words, which as translated by the interpreter are as follows: "and I transcribe it to your Excellency, so that in accordance with what is provided by the laws and regulations upon the subject of colonization, you may put Mr. Castillero in possession of the two *sitios* which are mentioned," is in a handwriting with which I am unacquainted: a copy of it will be found on page 10 (in red ink) of this Exhibit.

I know the signature of Castillo y Lanzas, because I have seen communications addressed by him to the Ministry of Justice, while I was employed there.

Q. 18. Where is Mr. Castillo Lanzas at present?

A. Here in San Francisco.

Q. 19. This original communication from Becerra, Minister of Justice, to Castillo Lanzas, Minister of Relations, dated May 20th, 1846, you have said was written by yourself, and signed by Mr. Becerra. When was that letter written by you, and when signed?

A. It was in May, 1846, on the day of its date.

Q. 20. Independent of all the documents you may have recently seen relating to the matter, have you any recollection of having heard, in 1846, of the discovery, by Castillero in California, of a Quicksilver mine?

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A. I remembor having spoken with Mr. Del Rio, in 1846, about the discovery of such a mine, and that he showed me some specimens of cinnabar from it. He spoke to me about the immense richness of the mine, as shown by the specimens, and of the importance, in his opinion, of the discovery, and of the effect it would probably have upon the mining interests of Mexico.

I remember that this occurred in 1846, because he was connected with my family — his daughter married my uncle, and during a part of that year, 1846, I lived in his house. I think about August of that year I left his house and went to live elsewhere. I had this conversation with him before I left his house.

Q. 21. Who was this Mr. Del Rio?

A. He was Professor of Mineralogy in the National College of Mining.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, CAL., August 19, 1859.

Direct examination of Mariano Miranda resumed from yesterday.

Present: Mr. Peachy of counsel for claimant.

Examination adjourned until to-morrow, (Saturday) at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, CAL., August 20th, 1859.

Direct examination of Mariano Miranda resumed from yesterday.

Present: Mr. Peachy of counsel for claimant.

Q. 22. When did you arrive in San Francisco, and for what purpose did you come?

A. I arrived here on the 14th May last, and my object in coming was to testify to what I knew touching the matter of the New Almaden Mine.

Q. 23. In whose company did you travel from the city of Mexico to San Blas, and from thence to the city of San Francisco?

A. In company with Messrs. Bassoco, Castillo y Lanzas, Martinez Negrete, Balcarcel, Castillo, Villalon, Yrissari, Velasco, Castillo Lanzas, jr., Barron and Billings.

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Q. 24. What compensation have you received, or are you to receive, for coming here to give your testimony in this case?

A. I am to receive two thousand dollars, with the understanding that my absence should not exceed two months and a half or three months. I have already received five hundred dollars of that amount.

DIRECT EXAMINATION CLOSED.

Examination adjourned until Monday next, 22d inst. at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, August 22, 1859.

Examination of Mariano Miranda, resumed from Saturday last.

Present: Frederick Billings, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the U. S.

CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 25. Before leaving Mexico to come to San Francisco, did you obtain a passport?

A. No, sir. I brought with me a certificate signed by Mr. Alegria, the Oficial Primero of the Ministry of Justice, showing that I was employed in that Ministry as I have heretofore stated. I have also brought with me the commission I received when I was appointed escribiente, as I have stated. I have these papers with me now.

Q. 26. Please file those papers.

A. I will file them, but I desire to get back my commission at some future time.

Q. 27. Is there any one in San Francisco, not of the party you came with, that you have formerly known in Mexico?

A. Yes, sir. There are Messrs. Schleiden and Casal.

Q. 28. Do you not belong to the Church party in Mexico, of which Miramon is chief?

[Counsel for claimant requests the interpreter to state to the witness, that if he has any reasons for desiring not to answer this question, to make them known.]

A. I desire to be excused from answering this question, because in the present agitated condition of Mexico, it might be prejudicial to my interests to answer. I therefore decline.



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Q. 29. Where were you born?

A. In Guanajuato, and I have resided in the city of Mexico since 1833.

Q. 30. For what business were you educated?

A. For commerce.

Q. 31. Who was Minister of Justice, when you entered that Ministry as Meritorio?

A. Don José Maria Luciano Becerra.

Q. 32. Are you certain of that?

A. Yes, sir.

Q. 33. On what day did you enter?

A. It was in January, 1846; but I don't remember the precise day.

Q. 34. Who was President at that time?

A. Gen. Mariano Paredes y Arrillaga.

Q. 35. At what time in the year 1847, did you become Escribiente?

A. It was in May, 1847. My commission will show.

Q. 36. Who was Minister of Justice at that time?

A. Don Luis de la Rosa.

Q. 37. Who was President?

A. Gen'l Don Pedro Maria Anaya.

Q. 38. Was he President Propietario, Interino, Sustituto, or what?

A. I think he was Sustituto.

Q. 39. Then who was the Propietario?

A. Gen'l Santa Anna.

Q. 40. Please name all the other Ministers who were in office in 1846, when you entered as Meritorio; also, those in office at the time that you received your appointment as Escribiente?

A. In 1846, Mr. Becerra was Minister of Justice (as I have said), Mr. Castillo y Lanzas was Minister of Relations, Gen'l Tornel was Minister of War, Mr. Parres was Minister of Hacienda First, and Mr. Iturbe was his successor. After Paredes' administration, there was the administration of Gen'l Bravo, which lasted only a few days. During Bravo's administration the Minister of Relations was Don José Joaquin Pesado, the Minister of Justice was Don José Maria Jimenes, the Minister of War was Gen'l Almonte, and the Minister of Hacienda was Don Antonio Garay. Next after this administration, was the administration of Gen'l Salas, during which, the Minister of Justice was, I believe, Don José Ramon Pacheco, and I don't remember who the others were. When I was appointed Escribiente, the Minister of Justice was Don Luis de la Rosa, the Minister of War was Gen'l Alcorta, and the others I don't remember.

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Q. 41. Are any of the persons you have named alive now; if so, which, and where are they?

A. Messrs. Castillo Lanzas, Iturbe, Pesado, Jimenes, Salas, Pacheco and Almonte, are living; and all, except Almonte, (who is in France) are in Mexico.

The Commissioner asked if Mr. Castillo Lanzas was not here in the city of San Francisco, and the witness answered that he was.

Q. 42. How long have you been acquainted with Mr. Castillo Lanzas?

A. Since 1846, when he was Minister of Relations.

Q. 43. Did you have a private personal acquaintance with him, or did you know him only as Minister?

A. I knew him only at that time as Minister. I have since become acquainted with him in his personal private character.

Q. 44. How long since you have had a personal acquaintance with him?

A. About six months.

Q. 45. You became acquainted with him then about the month of February last, did you not?

A. Yes, sir.

Q. 46. Who introduced you to him?

A. I don't remember.

Q. 47. Try again, and see if you cannot recollect; on what occasion was it—at what place—who else was present?

A. I think it was Mr. Barron, but I cannot be positive about it; I think it was in the Ministry of Relations.

Q. 48. Which Mr. Barron?

A. Mr. William Barron, one of the claimants in this case.

Q. 49. What were you doing in the Ministry of Relations.

A. I think I was there for the purpose of comparing the traced copies with the originals; I don't remember distinctly.

Q. 50. What was Castillo Lanzas doing there?

A. I believe he was there for the same purpose.

Q. 51. What was Mr. Barron doing there?

A. I don't know; I suppose he went there with Mr. Castillo Lanzas.

Q. 52. What did Mr. Barron say when he introduced you?

A. He said what is usually said at an introduction, or when one person is introduced to another; he said to Mr. Lanzas, "Mr. Miranda," and to me "Mr. Lanzas."

Q. 53. What did Mr. Lanzas then say?

A. Nothing more than the usual expression, such as "at your service," "your servant," or the like.

Q. 54. And what did you say?

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A. I replied in the same way, using the usual expression, "at your orders."

Q. 55. Did not Mr. Lanzas say that he recollected you since 1846, when you first entered into the service of the Government?

A. No, sir.

Q. 56. Did you not say that you recollected Mr. Castillo Lanzas since that date?

A. No, sir; I did not.

Q. 57. Where has Castillo Lanzas lived since January, 1846?

A. His residence is in the city of Mexico, but he has been absent as Minister to England; he is now here.

Q. 58. Did you go to the Ministry of Relations in company with Mr. Castillo Lanzas and Mr. Barron?

A. I remember being there once with Mr. Lanzas; I am not certain about being there with Mr. Barron; I did not go there in company with them.

Q. 59. Then you are not certain that you were introduced to Mr. Castillo Lanzas by Mr. Barron?

A. I am not certain.

Q. 60. As it was only a short time ago, and you have seen so much of Castillo Lanzas since that time, how do you account for your not remembering distinctly the circumstances attending your introduction to that distinguished gentleman?

A. The explanation of that is, that about that time I was in the habit of frequently seeing Messrs. Billings, Pardo, Barron and other persons, and I can't remember which of them it was that introduced me to Castillo Lanzas.

Q. 61. Have you a very bad memory?

A. I cannot say whether it is bad or not, but some things I remember well, and others not.

Q. 62. Can't you say which one of the gentlemen it was that introduced you to Castillo Lanzas, whether it was Mr. Billings, Mr. Barron or Mr. Pardo?

A. I cannot recollect.

Q. 63. Can you swear that it was some one of them?

A. Yes, sir.

Q. 64. Can you not by an effort now say which one of the three it was?

A. I have been endeavoring to recall which one of them it was, but I have been unable to do so.

Q. 65. Can you swear that it was in the Ministry of Relations that you were presented to him, and not in any other place?

A. I don't remember whether it was in the Ministry of Relations, or in one of the other offices.

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Q. 66. In what place, other than one of the Ministries, might it probably have been, that this introduction took place?

A. I don't think it could have occurred anywhere else.

Q. 67. Do you remember having first met with Castillo Lanzas at any other place, that is, about the month of February last?

A. I saw him often, and I knew him since 1846, but the first time that I spoke to him was when I was introduced. The introduction took place I think in the Ministry of Relations, but I am not certain.

Q. 68. On your first meeting with Castillo Lanzas, in one of the Ministries where you think the introduction took place, were Messrs. Pardo, Barron and Billings, all three present?

A. I don't remember whether they were all three present; one of them was, and there may have been two. I think Mr. Pardo was present?

Q. 69. Do you not think that it might have been Mr. Pardo that introduced you to Castillo Lanzas?

A. It might have been him.

Q. 70. Might it not have been Mr. Billings; do you remember seeing him at any time in the Ministry of Relations, distinctly?

A. I remember having seen him there, and he may have been the person that introduced me.

Q. 71. In answer to question 58, you said—"I am not certain about being there with Mr. Barron;" but you are quite certain that you saw Mr. Billings there?

A. I am certain that I saw Mr. Billings once in the Ministry of Justice.

Q. 72. You are certain, also, that you have seen Mr. Pardo there?

A. Yes, sir.

Q. 73. Then as you are not certain of being there with Mr. Barron, and you are certain that you were there with Messrs. Pardo and Billings, is it not probable that you were introduced to Castillo Lanzas by one of the two, either Mr. Billings or Mr. Pardo, and not by Mr. Barron?

A. I think it is much more probable that I might have been introduced by one of those two, than by Mr. Barron.

Q. 74. According to the best of your recollection, and your judgment of all the probabilities, which of the two was it that introduced you to Castillo Lanzas, Mr. Pardo or Mr. Billings?

A. I cannot say. I don't remember.

Q. 75. Who went with you to the Ministry of Relations at the time that you saw Castillo Lanzas there, and when you say that you think you were introduced to him?

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A. I don't remember whether I went alone, or whether anybody went with me.

Q. 76. Did Mr. Pardo go with you?

A. I don't know whether he went with me or not. I have sometimes been in his company.

Q. 77. You said that when you saw Castillo Lanzas in the Ministry of Relations, you were there for the purpose of comparing copies: Who was the person that assisted you in making the comparison?

A. Mr. Pardo.

Q. 78. Did you go there with Mr. Pardo for that purpose?

A. I don't remember whether I went with him, or met him there for that purpose by appointment.

Q. 79. You said that Mr. Castillo Lanzas was there for a like purpose, as you supposed. Did he take any part in making the comparison, with you and Pardo, or did he stand by and look on while you were doing it?

A. Messrs. Castillo Lanzas and Pardo made the comparison with me.

Q. 80. Can't you remember anybody else who was present at or took part in this comparison? if so, state all that you can remember.

A. As the comparison was made in some of the Government offices, some of the employés in those offices may have been present. I did not observe particularly to see whether there were or not.

Q. 81. Was not Mr. Billings present, or Mr. Barron?

A. I don't remember.

Q. 82. As you have said that when you were introduced to Castillo Lanzas, you were both, to the best of your recollection, in the Ministry of Relations, and had come there for the purpose of comparing the copies; and as you do not remember seeing Mr. Barron or Mr. Billings there then, but do remember that the comparison was made by Castillo Lanzas, Pardo and yourself; don't you think now that Pardo must have been the man that introduced you to Castillo Lanzas?

A. No, sir, because I have not stated that I had not seen Messrs. Billings or Barron in the Ministry, but that I did not remember that they were present when the comparison was made.

Q. 83. Had you met Castillo Lanzas, in the Ministry before that occasion, when you, he and Pardo made the comparison?

A. I had seen him there before, from time to time, since 1846, but had not spoken to him until that occasion.

Q. 84. Have you any recollection at all of seeing either Messrs. Billings or Barron in the Ministry, at the time that you were making the comparison?

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A. No; I don't recollect seeing them at the very time, but I saw them there before that on the same day.

Q. 85. Do you remember to have seen Messrs. Billings and Barron in the Ministry, on the same day that you made the comparison, and in the presence of Castillo Lanzas, who assisted you?

A. I have an idea that I saw Messrs. Castillo Lanzas, Pardo, Billings and Barron, there together, that day.

Q. 86. And yet, you cannot say whether Messrs. Barron and Billings were present at the examination. Do you think they were present or not? Do you remember their going away before that comparison commenced?

A. I am inclined to think, but cannot state positively, that they were not present at the comparison. I do not remember their going away.

Q. 87. If they had been present, taking part or looking on, at the comparison of the copies of the papers, which you were coming up here with them to swear to, would not the fact have been impressed upon your memory?

A. It is because I do not remember their being there, that I incline to think they were not.

The papers referred to in question 26, of the foregoing deposition, are herewith filed and marked respectively, "Exhibit Miranda No. 1, W. H. C.," and "Exhibit Miranda No. 2, W. H. C."

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, August 23, 1859.

Cross-examination of Mariano Miranda resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the U. S.

Q. 88. When did you make the acquaintance of Mr. Barron?

A. About the month of February last.

Q. 89. Where?

A. At the house of the late Mr. Eustace Barron, in the city of Mexico.

Q. 90. What were you doing at the house of Mr. Eustace Barron, at that time?

A. I went there for the purpose of seeing Mr. William Barron about my journey here.

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Q. 91. Did the Messrs. Barron send for you; who went with you to Barron's house?

A. Yes. Messrs. Barron sent for me by Mr. Pardo. I went to the house with him.

Q. What did they say to you, when you got there?

A. They said, that they had learned that a communication touching their matter of the New Almaden Mine, was in my handwriting, and asked me if I could come here to testify to it. I had a conference with them on the subject, and they made proposals to me to come. I stated that I would consider the matter, and see whether I could arrange my business so as to be able to come.

Q. 93. Did they show you any copy of the paper, which they had learned you had written, touching the New Almaden Mine?

A. Yes, sir. They showed me a traced copy of it.

Q. 94. How much did they say they would give you to come here and testify to that copy?

A. At the first interview I had with these gentlemen, they requested me to state what amount of indemnity I would require for my absence in coming here, to testify with regard to that matter; but I did not then make up my mind about it, and did not state the amount that I would require.

[NOTE BY THE COMMISSIONER:—At request of witness, the foregoing answer was read to him, and he states that it is not correct, and that his answer was as follows:

At the first interview which I had with these gentlemen, nothing was said about the indemnity that I should receive for coming here to testify. I was asked only whether I could come to San Francisco to testify to having written that communication. I stated that I would see whether I could arrange my affairs so as to come.]

Q. 95. Had you any idea of coming without being paid for it?

A. No, sir.

Q. 96. I suppose you had seen that traced copy that the Messrs Barron showed you, before; had you not?

A. I had not seen it before.

Q. 97. Mr. Pardo told you what they wanted, did he not, before you went to the house of the Messrs. Barron?

A. Yes, sir, he did.

Q. 98. Tell me as near as you can, what Mr. Pardo said to you at that time?

A. He stated to me that there was among the expedientes a communication in my handwriting, and requested me to see

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Messrs. Barron or Billings, who were desirous of having my testimony in relation to that communication.

Q. 99. When was this?

A. As I remember, it was about the month of February or March last.

Q. 100. How long have you known Mr. Pardo?

A. I have known him four or five years.

Q. 101. Did you know him very intimately during this time?

A. No, sir; I have not known him very intimately; there has been but a slight intimacy between us (muy poca intimidad).

Q. 102. But I suppose you had been very frequently talking to Mr. Pardo about that paper, had you not?

A. No, sir.

Q. 103. Was that the first conversation you had with him about it, when he told you that there was such a paper in your handwriting?

A. Yes, sir.

Q. 104. Have you ever corresponded with Mr. Pardo?

A. No, sir.

Q. 105. The next time that you saw the Messrs. Barron, what did you say to them about coming to San Francisco?

A. I did not see them for a long time after that, and until a few days before our departure—I mean when we were making the comparisons. I arranged for my journey here with another person who acted for them.

Q. 106. Who was that other person?

A. Don Pio Bermejillo.

Q. 107. Who is he?

A. He is a merchant in Mexico,—a Spaniard.

Q. 108. What were the terms that you communicated through this person?

A. I asked five thousand dollars, as indemnity for injury that I might suffer in my business during my absence.

Q. 109. What did they reply?

A. Mr. Bermejillo told me that they would give me four thousand dollars,—that was the amount I agreed to take.

Q. 110. What sort of trade are you engaged in, in Mexico?

A. The business of the house in which I am interested is that of importing silks, laces, articles of bronze, etc.

Q. 111. What did you say was the name of the house?

A. Joaquin M. de la Borbolla.

Q. 112. Are you a partner in that house, or only a clerk?

A. I am there as a clerk, with an interest in some of the business of the house, and have had charge of the business of the house during the absence of the owner in Europe.

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Q. 113. What is your salary as clerk, and what is the interest you have in the house?

A. I have a thousand dollars a year for expenses, and one-third of the profits of some of the business.

Q. 114. How much of the business, and what does the third amount to?

A. The amount of the one-third of those profits varies, according to the amount of business done; but I think the average would be about fifteen hundred or two thousand dollars a year for my third.

Q. 115. Is the house making any profits this year, in the midst of all the disorders and troubles of the country?

A. It is making some profits, but not as much as in other years. It has felt those troubles.

Q. 116. Was the house, or any of its members, indebted to the establishment of Mr. Eustace Barron?

A. No, sir; there were never any business relations between it and the house of Barron.

Q. How much are you worth, clear of debts and liabilities?

A. Very little—six or seven thousand dollars.

Q. 118. When Mr. Pardo told you that there was a paper in one of the expedientes in your handwriting, did you recollect anything about having written it?

A. No, sir; I did not remember having written it until I saw it.

Q. 119. Were you not surprised that Mr. Pardo had discovered so small a circumstance as that you had written a few words in a certain document thirteen years before?

A. No, sir; because that could have been easily found out by looking at the original expedientes, in the offices where they are kept, and in which are employed my former associates or fellow clerks in those offices, who are well acquainted with my handwriting.

Q. 120. Do you write the same hand now that you did in 1846?

A. No, sir; it has changed a good deal.

Q. 121. Please give me the names of all the persons now employed in the Ministry of Justice, who were there with you in 1846?

A. Don Mariano Alegria, Don Juan Unzueta, Don Ramon Gochicoa, Don Manuel Maria Espinosa, Don José Maria Yrissari, (who is here), Don Gregoria Grosso, and Don Teodoro Sotomayor.

Q. 122. Please show me the words which were written by you in the document referred to?

A. The witness hands to counsel "Exhibit Bassoco No. 9,

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O. H." and points out the writing referred to, being the document beginning on page No. 8 (in red ink) and ending on the reverse of page 9 (in red ink), except the marginal note and signature, and says the same is a traced copy of the original written by him.

Q. 123. As this paper does not exist in the Ministry of Justice, where you say you wrote it, but in the Ministry of Relations to which it was sent (or rather in the Ministry of Gobernacion, to which the expediente has been removed), who was there who could tell Mr. Pardo that the handwriting was yours?

A. There was no one in the Ministry of Gobernacion that knew my handwriting, but, as I am informed, Mr. Pardo took the expediente into the Ministry of Justice to inquire about the handwritings; he could have ascertained there.

Q. 124. When were you told this, and by whom?

A. I was told so by my acquaintances in the Ministry, last year, before Mr. Pardo came here with Couto.

Q. 125. What was the reason of their telling you this at that time; what gave rise to the conversation, and who were the persons that told you?

A. I cannot remember who told me, nor under what circumstances; I only recollect that I learned it from my old associates and fellow clerks in the Ministry on some occasion when I visited them.

Q. 126. Please tell me distinctly what it was they said to you; if not the words, at least the substance?

A. I think they probably must have told me that the parties interested would be likely to speak to me about coming to California to testify to the writing of that communication.

Q. 127. What did you then say to them?

A. I did not say anything.

Q. 128. They showed you the paper, did they not?

A. No, sir.

Q. 129. Did you ask them to see it?

A. No, sir.

Q. 130. Had you no curiosity to see the writing which you would be likely to come up here to prove?

A. I think I inquired for it, and they stated to me that it was not in that office.

Q. 131. Where did they tell you it was?

A. I supposed it was in some other office, but I did not ask, and they did not tell me.

Q. 132. How did they describe the paper to you, so that you might know what they were talking about?

A. They said, that in an expediente relating to the New Almaden Mine, there was a communication in my handwriting.

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Q. 133. Did they not tell you the contents or nature of that communication; and if so, what did they say about it?

A. No sir, they did not. They merely said it was a paper referring to the affair of the Messrs. Barron.

Q. 134. Why did you not ask them what it was about, and where it could be found; and why did you not go and look at it to see whether it was yours or not?

A. I cannot state why I did not ask those questions, nor why I did not look for it.

Q. 135. Without knowing anything about it, you took it for granted that it was all true, just as they said, did you not?

A. I could not say whether what they said was true or not, because I did not inquire into the matter. They told me there was a paper in my handwriting in the expediente, but I did not examine it then.

Q. 136. You had no recollection of having written any important paper concerning the affairs of the Messrs. Barron, had you?

A. No, sir.

Q. 137. After having heard then that there was an important paper written by yourself relating to the great New Almaden Mine, which you might be asked to come to California to swear to, and of course would be paid for so doing, and which paper was close by in one of the public offices, you yet had no curiosity to go and look at it, notwithstanding you had no recollection of ever having written anything of the sort?

A. No sir, I did not go to look at it.

Q. 138. Before you entered the Ministry of Justice as Meritorio, what had you been doing?

A. I think I was at school.

Q. 139. What school?

A. At a school in Mexico, kept by Don Manuel Calderon.

Q. 140. What were your studies there?

A. I studied drawing, Spanish grammar, writing, arithmetic; and I now remember that after I had been at school I was employed in a mercantile house belonging to an uncle of mine.

Q. 141. Of course you write a great deal better hand now than you did when you were seventeen years of age, and when you entered the Ministry on probation?

A. I believe my handwriting is better now than it was then. It is certainly different.

Q. 142. This difference I suppose, of course, has resulted from your writing a great deal, and getting a better command of the pen, has it not?

A. Yes sir; and also because, as I engaged in commerce, I had to change the form of my handwriting, the handwriting

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used in commerce being different from that used in offices of the Government.

Q. 143. When you entered the service of the Ministry, in 1846, fresh from your uncle's commercial house, where you had taken your first lessons, I presume you wrote a commercial hand, did you not?

A. No sir, because when I was with my uncle I wrote but very little, for I was then very small. He had another clerk who did the writing.

Q. 144. And when you were at school, being still smaller, you wrote in a more boyish and imperfect handwriting, than when you were with your uncle, did you not?

A. Yes sir; but before I entered the Ministry, I was employed in another office; that of the tobacco tax, where I had a good deal of practice in writing.

Q. 145. In what year, and for how long a time, were you in this new office, and what were your duties?

A. I was there about a year, in 1845. I was Meritorio also; my duty there was to write.

Q. 146. What sort of writing?

A. Despatches and communications to the other offices.

Q. 147. If you were in the tobacco office all of the year 1845, and entered the Ministry of Justice in January 1846; when was it that you were in your uncle's commercial house, and how long did you remain there?

A. I was with him previously — in the year 1843 or 1844. I don't remember how long I remained with him.

Q. 148. About two years, one year, six months, one month, or how long?

A. It was probably about one year?

Q. 149. Then you must have went to school about fourteen years of age?

A. Something about that.

Q. 150. How many years were you at school?

A. I don't remember.

Q. 151. About how old were you, when you went to school.

A. I went very young, but I do not know how old I was.

Q. 152. *About* how old?

A. I cannot remember; I was very young.

Q. 153. Must you not have a very bad memory, not to remember how old you were when you went to school, as most people do?

A. I cannot remember, but I have stated before that I suppose I was about six or seven years of age.

Q. 154. What is the reason that when the counsel for the

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claimant asked you what employments you had held under the Mexican government, you said nothing about being a clerk in the tobacco office?

A. Because I did not consider that it was worthy of being mentioned; I did not consider it really an employment, as I was there merely as Meritorio, to practice writing, and to improve my handwriting.

Q. 155. Why is not the place of a Meritorio, in the office of the collection of the tobacco revenue, as much a public employment as the place of Meritorio in the Ministry of Justice, which you did not forget to mention?

A. Because I was not in the tobacco tax office, regularly installed as a Meritorio, but was placed there by the influence of my family with the Administrador of the tobacco factory, merely to improve my handwriting.

Q. 156. Well, were you very diligent there, and had you, by the time you were fifteen years of age, or thereabouts, fully acquired the peculiar handwriting, which you say belonged to the offices of the Mexican government?

A. I wrote whatever I was asked to, but I really cannot say whether my handwriting, at that age, was such as was used in the offices of the Government.

Q. 157. Now look at the traced copy of this communication, the original of which, you say, you wrote, at the age of seventeen, soon after entering, on probation, the office of the Ministry of Justice, and tell me whether it is in the handwriting of an uneducated and inexperienced boy, or in the commercial handwriting, or whether it is not in the well-defined letter and style, peculiar to the offices of the Mexican government?

A. It is the kind of handwriting that is generally used by the employés of the Mexican government; but I cannot say that it is perfect.

Q. 158. Is it not, so far as can be judged from a traced copy, and by a comparison with the writings in the other expedientes, as to which you have been examined, a very marked and perfect specimen of the peculiar official handwriting, which you have said this morning was distinct from commercial handwritings; is it not strikingly bold and free, and evidently the mark of an accomplished penman?

[Question objected to by Mr. Billings, on the ground that it assumes that the style of writing used in the offices of the Government of Mexico is something peculiar and characteristic of them all; and because it asks the opinion of the witness as to the character of a handwriting, which speaks for itself.]

A. I do not think my handwriting is as good as some of the

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other handwritings in the expedientes. It is of the kind of handwritings that is generally used in the offices of the Government, but is not a perfect specimen. I do not consider it "evidently the mark of an accomplished penman," nor anything more than ordinary. It is a Spanish form of handwriting.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 24th, 1859.

Cross-examination of Mariano Miranda, resumed from yesterday.

Present: Mr. Billings, of counsel for the claimant, and Mr. Randolph, for the United States.

Q. 159. Would you oblige me by writing a few words which I will give you?

A. With much pleasure.

Q. 160. Please write the communicatien which is in your handwriting in document marked "Exhibit Bassoco No. 9, O. H." as the same will be given to you by the interpreter?

A. The witness wrote as follows:

Hoy digo al Exmo Sor. Dn. Vicente Segura Presidente de la Junta de Fomento de Mineria lo Siguiente.

E. S.—Habiendo dado cuenta al Exmo Sr. Presidente interino con la nota V. E. de 14 del presente á que se sirvió acompañar con recomendacion la solicitud del Sr. D. Andres Castillero para el fomento de la Mina de azogue que ha descubierto en la Mision de Santa Clara en la Alta California se ha servido S. E. aprobar en todos sus partes el convenio celebrado con dhō. individuo para principiar la esplotacion de dhō. Mineral, y con ésta fhā. se hace la comunicacion que corresponde al Ministerio de Relaciones exteriores y Gobernacion para que libre las ordenes oportunas por lo respectivo á lo que contiene la octava proposicion relativa á la concesion de terreno en aquel Departamto.

Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del Sr. Castillero á que ha tenido á bien acceder el E. S. Presidente interino sobre que como colono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion miera se sirva V. E. librar las ordenes de que se trata.

Reitero á V. E. las seguridades de mi consideracion y aprecio.

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Dios y Libertad Méjico Mayo 20 de 1846.

E. S. Ministro de Relaciones esteriores y Gobernacion.

[NOTE BY THE COMMISSIONER.—The witness wrote the foregoing with a gold pen, as the same was dictated to him by the interpreter. The contractions in the traced copy were not stated to the witness, but the words were all stated in full.]

Q. 161. What do you mean by "a Spanish form of handwriting?"

A. In Mexico we distinguish two forms of handwriting; one we call the Spanish handwriting, which is the one used in the Government offices; the other we call the English handwriting, which is that common amongst Americans, also used in commerce, book-keeping, etc.

Q. 162. Please explain the difference between these two styles of handwriting; in what does it consist?

A. The Spanish handwriting is thicker and heavier, the strokes are coarser and broader than what we call the English handwriting.

Q. 163. Is there not also a difference in the form of some of the letters?

A. There is; there is a difference in the mode of making the "r" and the "z." The old Spanish small "r" is made like the English "x." The small Spanish "z" is made thus, z.

Q. 164. When you were in the Tobacco office, and the six years you were in the Ministry of Justice, you wrote the old Spanish hand?

A. Yes, sir.

Q. 165. Did you go immediately into a mercantile house on leaving the Ministry of Justice?

A. Yes, sir.

Q. 166. Have you been a book-keeper in that establishment, or what has been your particular employment there?

A. I am book-keeper there.

Q. 167. Keeping books for the last six years, you entirely lost the old Spanish handwriting, and acquired the English handwriting, have you?

A. I have written the books in the handwriting that I had acquired. I have stated before that my handwriting has changed.

Q. 168. Have you or not lost the old Spanish handwriting, which you wrote for six years, and acquired the English handwriting?

A. I cannot say whether I have acquired the English handwriting or not. I am unable to classify my own handwriting.

Q. 169. Why can't you say; if you know the difference be-

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tween those two classes of handwriting, you certainly can say to which your own belongs?

A. In my opinion, my present handwriting cannot be said to belong to either of the two.

Q. 170. Do you make the big letters and broad heavy strokes now, that you said you used for six years, when clerk in the Ministry of Justice; do you make the "r"s and "z"s after the Spanish fashion?

A. I make them differently at different times. I make them one way and sometimes another.

Q. 171. Then please explain in what consists this change of handwriting, from that which you grew up, and which you used for six years, to that which you use at the present?

A. It is very easy to see the difference, by comparing what I wrote in 1846, with what I have written now.

Q. 172. I do not care to take that trouble; you will please, therefore, to explain if you can in what consists the change from the handwriting in which you say you drew up that communication in 1846, to your present handwriting?

A. Please let me see the two, so that I may explain the difference.

Q. 173. I prefer to hold in my hands this traced copy of the communication which you say you made in 1846; any body could lay the two papers together and point out the differences, if such there were, in the form of the letters and the handwriting generally; but as you wrote for six years in a public office in this handwriting, and know that you have since changed it, and adopted another handwriting, which is different, perhaps you may be able to tell me in what the difference consists, and so explain the variation to which you have sworn?

[NOTE BY THE COMMISSIONER.— Counsel for the United States declines to allow the witness to have the two papers before him.]

A. In my opinion the difference between them is, that my handwriting in 1846, was heavier and thicker (mas gruesa) than it is now. I have here the envelope of my commission as escribiente, with a superscription in my handwriting, written in 1847—it resembles the handwriting in the communication.

[The same is filed and marked "Exhibit Miranda No. 3, W. H. C."]

Q. 174. Is that all the difference that you can remember, to show the difference in the handwriting which you have sworn to?

A. There is also a difference in the "r," the capital letters, and the flourishes or turns of the letters.



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Q. 175. Explain to me the difference in some of the capital letters?

A. I can show the difference with a pen. I formerly made my capital A, M and P in this way (witness writes as follows— A, M, P); and now I make them thus (witness writes as follows— A, M, P.)

Q. 176. Please, if you can, explain to me the difference in the form of these letters which I will name you, as you wrote them in 1846, and as you write them now: letter "H" in the word "Hoy," the letter "R" in the word "Relaciones," the letter "C" in the word "California," and the letter "D" in the word "Departamento"?

A. I cannot be expected to remember how I made those letters then, but I will make them as I make them now. I cannot undertake to say how I made them then, without seeing them.

Q. 177. If you cannot make them as you made them in 1846, and during the six years thereafter that you were in the ministry and making them daily, I will not trouble you to make them as you write them now. Perhaps you can give me an example of the difference in some of the small letters— say "q" in the abbreviation of the word "que;" "p" in the words "para" and "por;" "d" in the words "acceder" and "ordenes;" "t" in the word "cuenta," or any other that you can think of?

A. I can remember only how I made the "p" at that time; I made it thus: [witness writes $p^r$, $p^a$] This is as near as I can recollect it.

Q. 178. Now look at this communication, the original of which you say you wrote in 1846, and see whether the letters "p," which you have just written, are not a very good imitation of the letters "p" in that communication.

A. I think they are like each other.

Q. 179. With that communication before you, you could write the other small letters about as well as the letters "p," couldn't you? or if, after looking at it, you could remember how they were made, you could imitate them about as well without having the communication before you?

A. If I were to undertake such a task as that, I would do as well as I could; but I cannot say whether the other letters would be as like those of the handwriting of 1846 as the "p."

Q. 180. Do you mean that your handwriting has so entirely changed from what it was during the years from 1846 to 1852, that you are not sure you could, with a specimen of it before you, now make even a tolerable imitation of it?

A. No; I am not certain that I could make a very accurate imitation.

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Q. 181. I did not ask you if you could make a very accurate imitation, but only a pretty fair or tolerable imitation, resembling your old writing about as nearly as the "p"s which you have just made.

A. In my judgment, I could not even approximately imitate it.

Q. 182. Have you any objection to make that experiment now? I do not like to give you unnecessary trouble, but wish merely to take all means of ascertaining whether it is true or not, that you did write this communication in 1846.

A. I have no objection to making the attempt, and will do it as well as I can, if Mr. Billings has no objection.

[NOTE BY THE COMMISSIONER.—Mr. Billings states that he has not the slightest objection.]

Q. 183. Please do it.

A. [Witness writes as follows:]

Hoy digo al E. S. Dn Vicente Segura, Presidente de la Junta de fomento de Mineria, lo siguiente:

"E. S. Habiendo dado cuenta al E. S. Presidente intº con la nota de V. E. de 14 del presente á q. se sirvió acompañar, con recomendacion la solicitud del Sr. Dn Andres Castillero pª el fomento de la Mina de Azogue q. ha descubierto en la Mision de Sta. Clara en la Alta California, se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dhō. individuo para principiar la esplotacion de dhō. mineral, y con esta fhā. se hace la comunicacion q. corresponde al Ministº de Relaciones exteriores y Gobernacn, para q. libre las ordenes oportunas pr lo respectivo á lo que contiene la 8ª proposicion relativa á la concesion de terrenos en aquel Departamento."

Yo tengo el honor de insertarlo á V. E. á fin de q. pr lo respectivo, á la solicitud del Sr. Castillero á q. ha tenido á bien acceder el E. S. Presidente interino sobre q. como Colono se la conceda dos sitios de ganado mayor sobre el terreno de su posesion minera, se sirva V. E. librar las ordenes de que se trata.

Reitero á V. E. las seguridades de mi consideracion y aprecio.

Dios y Libertad! Mexico, Mayo 20 de 1846.

E. S. MINISTRO DE RELACIONES EXTERIORES Y GOBERNACION.

Q. 184. How long have you been occupied in writing that page?

A. About half an hour. I did not observe the time.

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[NOTE BY THE COMMISSIONER.—The time occupied by the witness in doing this was twenty or twenty-five minutes.]

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 25, 1859.

Cross-examination of Mariano Miranda resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 185. Please compare the copy which you wrote last, from the communication in the Exhibit, and say whether you have not made about as good an imitation of all the other letters mentioned in the 176th and 177th questions, as of the "p"s, which you imitated from memory?

A. All I can say with regard to that is, that those letters somewhat resemble the same letters in the traced copy.

Q. 186. Do you think that with the expediente before you, you could make about as good an imitation of any of the other writings as you have done of this communication, which you say is in your own and forgotten handwriting which you used to write, during the six years from 1846 to 1852?

A. No, sir, I could not.

Q. 187. Why not?

A. I don't know why.

Q. 188. What was the occasion of your leaving the employment of the Ministry in 1852?

A. Because I then had an opportunity of improving my condition by going into a commercial house. The certificate which I brought with me (now on file) states, that I left the Ministry to engage in the pursuit of commerce.

Q. 189. Were you discharged, or did you resign?

A. If I had been dismissed, I could not have received that certificate. I voluntarily withdrew for the purpose of bettering my condition, by going into a commercial house. I have always been an honest man. Since I left the Ministry, I have been in the same commercial house, and I enjoy the most absolute and unlimited confidence of the owner of the house, which is shown by my having had the charge and management of the house, during the absence of the owner in Europe, as I stated before. I have had numberless business transactions with Mexican, German, English, Spanish and French houses, in Mexico, Guanajuato, San Luis Potosi, Guadalajara, Quere-

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taro and Morelia, and if any one entertains doubt of my integrity, he is at liberty to inquire at any of those places, and he will find that my reputation is without blemish.

Q. 190. When the employés in the Ministry of Justice are honorably discharged, is it customary to obtain a certificate to show that such is the case?

A. I do not know whether such is the custom, but whenever it is asked for, it is always given.

Q. 191. What is the object of it?

A. Whoever asks for it has some use for it,—wants it for some purpose.

Q. 192. What sort of a purpose?

A. It might be desired if the person wanted to obtain some other situation from the government, or for other purposes which do not occur to me.

Q. 193. Such was not your purpose in obtaining one, was it?

A. No, sir. My object in getting that certificate, was to show here that I had been an employé in the Ministry. In Mexico it would not have been doubted, and therefore I did not need it there. In Mexico, my integrity was never doubted, and therefore I never needed such a certificate there.

Q. 194. Were you never examined as a witness in a lawsuit, in Mexico?

A. Only once, that I remember.

Q. 195. Is it not customary there for the lawyer on the other side to cross-examine the witness, in order to find out if he is telling the truth,—a man of good character or bad?

A. I cannot state with regard to that, but I believe such is not the custom. The matter about which I testified was a very simple one; I was asked to state what I knew about the matter, and I did so, and that was all. I am not acquainted with the mode of administering justice there.

Q. 196. But expecting to be cross-examined up here, you brought this certificate with you, to prove that you were a respectable, honest, and truthful man, who ought to be believed on your oath, did you not?

A. I knew that I was not known here, and my object in getting the certificate was to accredit me,—to show who and what I was.

Q. 197. These things you thought to show by the written declaration of Mariano Alegria, First Oficial, etc., contained in this certificate; how did you expect us to know that Alegria was First Oficial, etc.; did you expect to prove it by your own statement and that of others who came with you, to whom he had given similar certificates?

A. I supposed it would be known here that he was First

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Oficial, because that is attested by the certificates to the traced copies of the expedientes, and because the persons who came with me, including Mr. Billings, know him to be so.

Q. 198. Supposing that you and your companions could prove that Mariano Alegria was First Oficial, etc., and so was the proper man to give certificates, did you think that the statements which he made in Mexico, and not under oath, would give any greater weight to the statements which you and your companions would swear to here, in our courts?

A. I obtained that certificate simply for the purposes I have stated, and without reflecting upon it or its effect any further.

Q. 199. Then it did not occur to you that if you brought a certificate from Alegria, showing your identity as a former employé in the Minister of Justice, and your good character, and had to prove by your own oath that Alegria wrote the certificate, and was the First Oficial, etc., that at last, we would have to rest upon your own statement to show who and what you are, and that you are worthy of belief, and hence that the certificate would be so much waste paper?

A. No, sir. I have stated before that the certificates to the expedientes show who and what Mr. Alegria is; I therefore could not have supposed that my own statement would be the only proof of those matters.

Q. 200. Then it did not occur to you that with respect to all of these corroborating certificates, we would stand in precisely the same position as to that of Alegria, and that for these, too, at last, we would have to rely upon the testimony of yourself and fellow-witnesses who came from Mexico?

A. With regard to all that, I did not reflect at all—I thought nothing of it in Mexico.

Q. 201, When you got this certificate at the city of Mexico, on the 20th day of April, 1859, by whose advice were you acting?

A. I was not acting under the advice of anybody—I did it of my own accord.

Q. 202. Had you not spoken with Messrs. Pardo, Barron, Bermejillo, your associates in the Ministry of Justice, or some one else?

A. No, sir, with no one.

Q. 203. Did not Mr. Pardo, Mr. Barron, or Mr. Billings give you any advice as to what you wanted to bring with you, coming to this strange country, to engage in the novel business of testifying in an American Court?

A. Those gentlemen only stated to me that I was to come here to tell the truth.

Q. 204. Then it was exclusively your own idea to obtain this certificate, without suggestion from any quarter?

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A. It was.

Q. Did you show this certificate to anybody before you left Mexico?

A. I don't remember.

Q. 206. Had you ever shown it to Mr. Billings before you produced it here the other morning; and if so, when and where?

A. No, sir.

Q. 207. Had you ever shown it to Mr. Peachy or Mr. Barron?

A. No, sir.

Q. 208. As you got it to prove who and what you were, why did you not show it to the lawyers who were to put you on the stand?

A. I cannot say why I did not.

Q. 209. How long is it since they have ceased to make use, in the Ministry of Justice, of that peculiar Spanish handwriting of which you have spoken, as distinguished from the English?

A. I don't know whether they have ceased to make use of that handwriting or not, because I have not been in the Ministry since 1852.

Q. 210. Did you ever hear anybody say that they had,—that they had dropped the old official style of making the letters, and adopted a modern or English handwriting in that, or any other offices of the Mexican Government?

A. I never heard they had, although I think there has been some change, because I have seen some papers written in a different handwriting; the employés are not compelled to use Spanish handwriting, or any particular style of handwriting—if they write well, it is sufficient.

Q. 211. What other papers do you refer to; when and where did you see them?

A. In the Ministry, about seven or eight months ago. I don't remember what the contents were.

Q. 212. I did not ask you the contents; it will be sufficient for you to say what the papers were about?

A. I don't remember what they were about.

Q. 213. Examine closely this certificate, and say whether it is not one of the papers which are not written in the old established official handwriting of which you have spoken, but, on the contrary, very obviously in an English and modern handwriting; has it any of the broad, heavy strokes and large lettering, or any of the *r's*, or any other peculiar letter which you say denoted the old official handwriting of the Mexican Government?

A. I think it has not.

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Q. 214. Is it not, in every particular, the English and modern handwriting; are not all the strokes very light and neat; and is not the whole a very perfect and delicate specimen of that style of writing, as well in the formation of each particular letter, as in its general appearance?

A. I cannot classify it; it pleases me.

Q. 215. Yesterday, when you thought proper, you could distinguish very easily and describe very accurately those two styles of writing; and you will please say now, whether this certificate is not in the English style, and not the official Spanish style, and altogether what in my question I have suggested that it is?

A. I did not give an exact description of the two styles of handwriting; I only stated my opinion about them. In order to be able to classify and discuss them exactly, it would be necessary to be a teacher of handwriting, which I am not. In order to satisfy the gentleman, I will state my opinion of the handwriting in the certificate, which is, that it is something near the English style of handwriting.

Q. 216. Please give me your opinion further, whether it is not in all respects what I suggested in question 214?

A. I will state frankly my opinion of it. It is neatly written; I like the handwriting; but it is not in my opinion a good specimen of that style of handwriting.

Q. 217. Point out any letters in it which are in the old Spanish and official handwriting, and any others which are not in the English and modern style, though perhaps written by a Spaniard or Mexican, and not by an Englishman or American?

A. I don't wish to go into an argument about the matter. I have only given my opinion about it, and that opinion may be erroneous.

Q. 218. I must inform you that you are not here to consult your own pleasure, but to answer my questions. I now require of you to answer the last question?

[Question objected to by Mr. Billings, on the ground that it is asking the opinion of the witness, as to the character of a handwriting of a certificate which is filed as an Exhibit, and speaks for itself; and on the further ground that the witness has stated all that he is able to say upon the matter involved in the question; and on the further ground that the question is not respectful to the witness, it being the part of counsel to request, not to require answers.

Counsel for the United States differs with the counsel for claimant, both as to the respect due to this witness, and as to the right to require an answer.]

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A. In my last answer I stated that I was unable to enter into an argument upon the two styles of handwriting. I now repeat that, and say, that I am unable to go into a discussion upon that subject for the reason that, in order to do so, it would be necessary to be well versed in the matter of handwriting, which I am not.

Q. 218. In your answer to question 161, you said, "In Mexico, we distinguished two forms of handwriting; one we call the Spanish handwriting, which is the one used in the Government offices; the other, we call the English handwriting, which is that common among Americans, also is used in commerce, book-keeping, etc. etc.:" and in your answer to question 162, you said, "The Spanish handwriting is thicker and heavier, the strokes are coarser and broader than in what we call the English handwriting:" and in your answer to question 163, you said, "there is a difference in the mode of making the 'r' and 'z:'" and in your answer to question 142, you said, "I had to change the form of my handwriting, the handwriting used in commerce being different from that used in offices of the Government."

With these former answers before you, please now take that certificate and point out any letters which bear the marks that you said characterize the old Spanish and official handwriting of the Government offices.

A. In a former answer, when I spoke of the handwriting that was used in the Government offices, I stated that it was the one generally used in those offices. With regard to this question, all that I can say is, that in this certificate I find none of the old Spanish handwriting, and that the handwriting in it resembles the English handwriting.

Q. 219. Do you find any letters there which do not bear the marks, which in the same answers you have said characterize the English, modern, commercial handwriting?

A. The most that I can say with regard to that is, that it is in a handwriting that might very well serve as a commercial handwriting.

Q. 220. All that I ask of you is to apply the test which you have given in your own answers, and which I have just repeated to you: are there any letters in that certificate which are not in the English form of handwriting, according to your own tests?

A. I have stated before that I am not competent to classify them exactly, but in my judgment, the capital "M"s and the "r"s are more in the Spanish than in the English style of handwriting.

Q. 221. Which of the characteristics of the Spanish style, as given in your answers, do you find in the "M's"?

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A. I find them made thus, as nearly as I can come to it: [witness writes M:] and the English M is made thus—M.

Q. 222. Is that all that you can find in the "M's," not in the English style?

A. Yes, sir.

Q. 223. In your answer to question 163, you said, "the Spanish small 'r' is made like the English small 'x'"; do you find any "r"s in that certificate made like "x"?

A. No, sir; but I think the "r"s in this certificate are not like the English "r"s.

Q. 224. Please show me with the pen, as you did just now in regard to the capital "M"s, what is your idea of the difference between the English "r"s and those in that certificate.

A. [Witness writes: *r*, *ɾ*.] The first is the Spanish form as it appears in the certificate, and the other the English.

Q. 225. Do you not know that that form of the "r" which you call the Spanish form is of just as general use, in the English handwriting, as that which you call the English "r"?

A. No, sir; I thought the only real English "r" was the one I have made.

Q. 226. Don't you find in the signature of Mariano Alegria the characteristics of the Spanish and official style, as given in your answers, which I have quoted above; don't you find there the same heavy marks, and especially the "r"s made like "x"s?

A. Yes, sir; I believe so.

Q. 227. What was the name of the clerk who wrote the body of this certificate?

A. I have seen him in the Ministry, but I don't know his name.

Q. 228. It was not any one of your old companions that you have mentioned in question 121st, who are still employed in that Ministry?

A. No, sir.

Q. 229. Did you see it written?

A. No, sir.

Q. 230. How do you know, then, that it was written in the Ministry at all?

A. I believe it was written there, and I saw it signed there by Mr. Alegria.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 26, 1859.

Cross-examination of Mariano Miranda resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 231. Are you quite certain that you did not see that certificate written?

A. I am.

Q. 232. Did you see it before you saw Alegria sign it?

A. Yes, sir.

Q. 233. How long before, and where did you see it?

A. A few moments before, in the Ministry, when I went to get it.

Q. 234. Tell me what was said about the writing of it at that time.

A. I don't remember that anything was said about it.

Q. 235. Nothing at all?

A. I don't remember that anything was said about it.

Q. 236. How, then, in answer to question 227, when asked what was the name of the clerk who made the body of the certificate, could you venture to reply, "I have seen him in the Ministry, but I don't know his name"?

A. I knew who wrote it, because I saw the person to whom I referred bring it to Mr. Alegria to be signed by him.

Q. 237. Are there a great many employés in the Ministry of Justice?

A. I think there are some twelve or fourteen; I don't know the precise number.

Q. 238. Mention the names of any employés that you can remember, other than those whom you mentioned in your answer to question 121, and said were your companions in 1846.

A. Ygnacio Villava, Don Manuel Bedoya, and Don Angel Duran: these are the only ones that I remember.

Q. 239. Were those in the office with you after 1846?

A. The first of these gentlemen was an employé of the Ministry in 1846, when I was there, but was then absent on leave. The second was in the Ministry with me after 1846, and the other entered after I left.

Q. 240. Was it any one of these three persons that brought the certificate?

A. Yes, sir; yesterday evening I inquired of Mr. Yrisarri (who is in the Ministry) about it, and he told me that it was in the handwriting of Don Angel Duran, whose name I did not know until Mr. Yrisarri informed me last evening.

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Q. 241. Upon that information you now say that the certificate was written by Mr. Angel Duran?

A. I have not seen Mr. Duran write, but if Mr. Yrisarri should tell me that he had seen him write, and would swear that this was his handwriting, I would not hesitate to swear that I believed it was.

Q. 242. At what time did Mr. Duran enter the employ of the Ministry?

A. I don't know. I have seen him there for more than a year.

Q. 243. Is he escribiente, or what?

A. I believe he is an escribiente.

Q. 244. You did not take this certificate with you from this place yesterday, did you?

A. No, sir.

Q. 245. Then you did not show it to Mr. Yrisarri?

A. No, sir; I think he saw it before I received it.

Q. 246. What makes you think so?

A. Because he told me yesterday that it was in the handwriting of Mr. Duran, and I infer from that that he saw it before it was given me.

Q. 247. Do you merely infer that; why didn't you ask him?

A. It is only an inference. I didn't ask him because when he told me that it was in the handwriting of Mr. Duran, I supposed that he knew it to be so.

Q. 248. Did not that seem to you to be strange; how could he know it without seeing it?

A. I inferred from that that he had seen it; I have no recollection of ever having shown it to him.

Q. 249. Did it not occur to you to inquire how it happened that the *fifth Oficial*, who was not escribiente, and has nothing to do with the copying, should have chanced to see and remember a few words as utterly unimportant to any one, unless it may be yourself, as those which are contained in that certificate?

A. No, sir.

Q. 250. Do you suppose that whenever an escribiente writes half a dozen lines for the first Oficial to sign, that all the rest of the Oficials would trouble themselves to notice and remember which escribiente wrote it; or that any of the other Oficials would do so?

A. I think some of them may do so.

Q. 251. When did you apply for that certificate?

A. I don't remember the date, but it was when I was preparing for my journey to San Francisco.

Q. 252. Won't the date of the certificate enable you to remember?

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A. No, sir; I remember that it was in the same month that the certificate was dated—April.

Q. 253. Was it a week before?

A. I cannot recollect.

Q. 254. Two weeks before?

A. I don't recollect; but it seems to me that it was some three or four days before the day of its date.

Q. 255. As it was brought to Alegria and signed in your presence, don't you think it probable that it had just been written, otherwise, would you not have been likely to find it signed, and ready for you when you called?

A. Yes, sir; I think it had just been written.

Q. 256. As you then took it, and brought it away with you, don't you think it a very remarkable circumstance that the fifth Oficial, who happens to be here in San Francisco, should have also happened to be standing by and have seen the escribiente writing, or have seen it during the short time, after it was written, which elapsed before you got it, and so should be able to tell you in whose handwriting it was, without looking at it, and not seeing it since it was written?

A. No, sir; it does not seem to me remarkable that he should have seen it; he being employed in the Ministry, I think he might very well have seen it. If he were not employed in the Ministry it would appear remarkable.

Q. 257. For the same reason, then, you would not consider it remarkable if any or all of the twelve or fourteen persons whom you say are employed in the Ministry had that day seen the same short piece of writing, and should now remember the fact, and be able to swear without looking at it, that it was in the handwriting of Mr. Duran, and so relieve our doubts on that subject?

A. I would not consider it strange if any or all of those who were present in the Ministry had seen the certificate. I don't consider it probable that they would have seen it written, because their desks are separate from each other, but they might well have seen it after it was written.

Q. 258. Nor would you consider it extraordinary if any or all of the employés in the Ministry had seen, and should remember, any or every other piece of writing which was done by Duran on that day, and should be able now, without looking at it, to say that it was in his handwriting?

A. No, sir. I would not.

Q. 259. If the other employés might, without exciting your surprise, remember so well the work of Duran on that day, of course you would not regard it as at all more strange, if they should remember equally well all the work that he did on any other day in the year?

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A. I would think it strange if they could all state what he did on a particular day—one of them perhaps might—but if a particular subject were referred to, and they were asked whether he had done certain things on a particular day, I would not think it strange if they knew that he had.

Q. 260. For example, if there was another lawsuit, and the question was about some other paper, just as about this certificate, and that other paper was written on some other day, say the day before or the day after this certificate?

A. No, sir. Neither would that appear to me extraordinary.

Q. 261. In your answer to question 218, you say that when you spoke of the Spanish handwriting, you stated that it was the one generally used in those offices, having reference to your answer to question 161, in which I find the following words: "The one we call the Spanish handwriting, which is the one used in the Government offices." From this am I to infer that some of the writers in the Government offices use the English, modern, commercial handwriting, and therefore, that a man who writes in this latter style, may enter the Ministry, serve there many years, and if he thinks proper still preserve the same handwriting?

A. Yes, sir, he might. The employés are not compelled to use a particular form of handwriting. Each writes as best he can.

Q. 262. In the course of your large experience in commerce, you doubtless have observed that not unfrequently merchants write with the full lettering, broad heavy strokes, and the peculiar "r"s and "z"s which you say characterize the old Spanish handwriting?

A. There are some who do, but I have observed only very few.

Q. 263. Positively, do you mean to say that it is a rare thing for merchants in Mexico to write a Spanish handwriting?

A. I do not mean to say that it is very rare, but that at present there are only a few, comparatively, that use that handwriting; the majority using the English and mixed style of handwriting.

Q. 264. If then you had written the commercial hand before entering the Ministry, you would have been under no compulsion to have changed it while there?

A. No, sir.

Q. 265. If at the time you left the Ministry, you had become habituated to the use of the Spanish handwriting, there would have been nothing very extraordinary or unusual in your preserving it after you entered into commerce?

A. I have stated what kind of handwriting mine was when

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I left the Ministry, and although it would not have been very extraordinary to have continued to use it in commerce, I thought it more fitting and proper to change it to the other style.

Q. 266. That is to say, it happened to suit your own ideas to change your handwriting when you passed from one kind of business to another, and so it is, that you have now forgotten the handwriting in which, in the year 1846, you copied the communication in "Exhibit Bassoco No. 9, O. H."?

A. I changed my handwriting because it seemed proper to me to do so. I have already shown the difference between my former and present handwriting.

Q. 267. When you entered the Ministry of Justice as Meritorio, you have said that you regarded that place as a public employment; by whom and in what manner were you appointed?

A. I petitioned the Minister, Mr. Becerra, for that place, and he gave it to me.

Q. 268. Did he give it to you verbally, merely?

A. No, sir, I was admitted by an acuerdo, signed by the Minister on the margin of my petition, as is usual in Mexico.

Q. 269. What became of the petition?

A. It was placed among the archives in the Ministry.

Q. 270. Was any writing given to you, as evidence of your appointment?

A. No, sir; it is not usual in Mexico to do so until a person is appointed to some office; as, for instance, when I was appointed Escribiente, in 1847, I got my commission.

Q. 271. There is nothing then in the nature of a commission given to a Meritorio, because it is a place held by boys, and too insignificant to be called a public office?

A. That is true, but not for that reason. Commissions are only given to employés who receive salaries, and Meritorios get no salary.

Q. 272. You call it, however, a very insignificant place, which is held by boys on probation, without salary, don't you?

A. No, sir; because, as the Meritorios are appointed by the Government, they are treated with as much respect as the other employés; they are in the same category.

Q. 273. And so, standing on the same honorable footing, you find nothing strange in these boys learning to write, by copying the formal dispatches of the Minister on matters of State?

[Question objected to by Mr. Billings, because it assumes that the Meritorios are boys, of which there is no proof.

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Counsel for the United States desires to say, that he takes it for granted none but boys enter clerkships on probation, and without pay; and further, that he does not remember but two Meritorios in this case, to wit: the witness and Mr. Yrisarri, a former witness, both of whom seem to have entered as Meritorios at a very early age, that is, about seventeen.]

A. I will observe that they are not such boys as the gentleman seems to think. I myself was seventeen years of age when I entered. Besides, they are not admitted unless they can write pretty well, and without grammatical errors.

Q. 274. But in your particular case, we find that you left school at the tender age of thirteen or fourteen; that you were awhile in your uncle's store, where you did no writing, as he kept a clerk; then that you were in the office of the tobacco revenue, not even in so high a grade as that of Meritorio, but, as you say, to practice yourself in writing; and straightway thereafter entered the Ministry of Justice, and wrote out the original communication from Becerra, Minister of Justice, to Castillo Lanzas, Minister of Relations, to which you have testified, and of which we have a traced copy.

Was not that a very remarkable employment to give to a person so very young and inexperienced, as you have described yourself to be?

A. It was not. There was no reason why I could not do it.

Q. 275. To my eye, that communication is an admirable piece of penmanship, and appears to have been written by a full grown man, with a well-fixed and determined handwriting; I differ from you even when you say that your present handwriting is better than that. How, under the circumstances of your education, had you learned to write so well?

A. I respect the gentleman's opinion, but I can give no further explanation about it.

Q. 276. Have you known many boys who could write as well, with no more practice, at the same age?

A. Yes, sir; I have known many in Mexico that could write as well, and were younger.

Q. 277. Instead of bringing the certificate to prove who and what you were, why did not you bring a traced copy of your petition, and the acuerdo on the margin giving you the appointment, just in the same manner and form as the traced copy of other documents which you were examining in the Ministry, at or about that very time, in order to prepare yourself to testify to them?

A. I did not think it necessary. I thought the certificate and commission would be sufficient.

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Q. 278. But did you not see that Mr. Barron was getting traced copies of the originals themselves, showing an exact copy of the handwriting of every document, and containing the dates upon which everything was done? It seems to me that it must surely have occurred to you that that was the way for you to do also, if you wanted to prove anything about yourself.

A. It did not occur to me.

Q. 279. In answer to question 11, you said, "I know the handwriting and signatures of the said Tornel, Segura and Gondra, from having seen the same in official communications written and signed by them, and addressed to the Minister of Justice, while I was employed in the said Ministry." In what years did you see those communications?

A. I saw Mr. Tornel's signature from time to time, while I was in the Ministry. The only time that I have a distinct recollection of having seen those of Messrs. Segura and Gondra, was when the Ministry of Justice dispatched the business belonging to the branch of mining. I think I saw some of Mr. Gondra's handwriting also at that time. I know only the signatures of Tornel and Segura. I don't know their handwriting.

Q. 280. In what year was it that the Ministry of Justice dispatched the business of the branch of mining, as you say?

A. In 1846. It was also transferred in that year to the Ministry of Relations.

Q. 281. Do you know what time in the year?

A. About the month of September or October.

Q. 282. Then it was from January until that time that you saw these communications from Segura and Gondra in the Ministry?

A. Yes, sir. I am not certain that I saw them after that.

Q. 283. During that time you think you saw some of the writing of Gondra, as well as his signature?

A. Yes, sir.

Q. 284. Do you remember in what document, or upon what subject?

A. No, sir.

Q. 285. During the same time you also saw the signature of Segura; do you remember to what document?

A. No, sir; but I saw it often.

Q. 286. Do you remember to have seen the signatures of Segura and Gondra, or the writing of Gondra, in any documents whatever in the Ministry, except those relating to the business of Castillero, and of which we have traced copies?

A. With regard to the handwriting of Gondra I am not positive, but I am certain as to the signatures of Segura and Gondra.



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I have seen those signatures often to other documents than those referred to in the question.

Q. 287. Mention, if you can, any other document, or any other piece of business, in which you saw in 1846 the signatures of Tornel, Segura and Gondra, or any of them, or in which you think it probable you may have seen the writing of Gondra, as you say?

A. The only one I remember was a matter relating to the appointment of a Professor, about which I saw a communication signed by Tornel. I have seen a great many such communications, but I don't remember what they were about.

Q. 288. What is the reason, that in answer to question 11th on your direct examination, you swore you knew the handwriting of Tornel, Segura and Gondra, and now you say that you do not know the handwriting of Tornel or Segura, and are doubful whether you know that of Gondra—have a very indistinct recollection only of having seen it?

A. I referred to the handwriting of their signatures.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Aug. 27th, 1859.

Cross-Examination of Mariano Miranda resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph for the United States.

Q. 289. How did you come to see Becerra write?

A. Sometimes, when I took him communications to sign, I saw him sign and write—when I was employed in the Ministry.

Q. 290. Did you frequently see him write anything more than his name?

A. Yes, sir. I have often seen him write letters, which he delivered to me to fold, seal, and address.

Q. 291. You say you sometimes acted as amanuensis for his private correspondence. Mention some well-known living person to whom you wrote letters under his dictation?

A. I cannot remember any such living person.

Q. 292. In what years did you see communications addressed by Castillo Lanzas to the Ministry of Justice?

A. In 1846, only.

Q. 293. As you were only a beginner, on trial in the Ministry at that time, how came you to see the official communications sent to the Ministry?

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A. The Meritorio did the same work that was done by the other employés, and I being one had as good an opportunity of seeing such communications, as any of the other employés. I saw them in the course of my employment there.

Q. 294. Please mention all the different classes of employés in the Ministry of Justice in 1846, and whilst you were there.

A. The Minister, Oficial Mayor Primero, Oficial Mayor Segundo, Oficial Segundo Primero, Oficial Segundo Segundo, Oficial Tercero, Oficial Cuarto, Oficial Quinto, Oficial Sexto, Oficial Septimo, Oficial Octavo, Archivero, two Oficiales de Archivo, four Escribientes, one Meritorio, one Porter, one Mozo, and two Ordenanzas.

Q. 295. As you were the Meritorio, I am to understand that you did the same kind of work that was done by all the oficiales and escribientes, whom you have mentioned?

A. I did the same kind of work that was done by the other escribientes, which was copying; not the same kind of work that was done by the oficiales.

Q. 296. Of course you copied communications sent from the Ministry, not those received by it?

A. It was often necessary to copy communications received by the Ministry into communications sent from the Ministry; it was sometimes necessary also to copy them for other purposes.

Q. 297. What other purposes, for example?

A. When a copy was required to be used in some of the other offices, in which information of the contents of a communication was wanted.

Q. 298. But that is the same thing as the insertion of which you spoke, is it not?

A. No, sir; because the insertion was merely copying the body or substantial part of the communication, and the other copies were full copies of the entire communication, including the signature.

Q. 299. Don't you know that the whole of a communication is often inserted in a dispatch, and not merely the substantial part?

A. Sometimes it is inserted entire, but that was not generally done in the Ministry.

Q. 300. On what sort of occasions, and for what sort of purposes, would you copy a dispatch, signature and all, as received in the Ministry of Justice, and to what other offices would you send it? Why should the Ministry of Relations not send their own dispatch to all whom it concerned?

A. A copy might be sent to some court; the Ministry of Relations would not communicate directly with the courts, be-

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cause it was through the Ministry of Justice that the courts communicated with the Government; therefore the Ministry of Relations would not send a dispatch directly to any court.

Q. 301. In that case, would not the Ministry of Justice send a dispatch of their own, and insert that which came from the Ministry of Relations?

A. That might be, but I state merely my experience of what occurred at that time; they sometimes gave me communications to copy in full, and other times, to copy only the substantial part. I copied whatever I was required to. I don't know the object for which those copies were made, but I state what I suppose it to have been.

Q. 302. Is it possible that the youngest boy in the establishment would be entrusted to make the first draft of the insertion, which many times would really be to prepare the dispatch? Would he be entrusted to do more than to make copies from the first draft, after it had been drafted by some Oficial, or other higher employé?

A. Yes, sir. It is usual for the escribientes to copy what we call the Minuta, and the communication to be inserted. The Minuta is the heading and conclusion of a dispatch, in which may be inserted any communication necessary to complete the dispatch—the Minuta and part inserted being all copied by the escribiente.

Q. 303. Can you not mention some one communication from Castillo Lanzas which you copied in this way, and so learned his handwriting?

A. No, sir. I saw a good many, but I cannot remember a particular one.

Q. 304. Have you copied any of his communications since 1846, when you were seventeen years old?

A. I do not remember.

Q. 305. Of course you must have copied communications from other Ministers than Castillo Lanzas, in 1846, and so obtained a knowledge of their handwriting?

A. That may very well have been, but I don't now remember what they were.

Q. 306. You don't know the handwriting of these other Ministers then?

A. I remember the signatures of Messrs. Tornel (who was the Minister of War), Yturbe and Parres; these two were successively Ministers of Hacienda.

Q. 307. Why did you say a moment ago that you did not remember any of those whose communications you had copied, except Castillo Lanzas?

A. I did not say that I did not.

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[The interpreter states that he is of opinion that the words used by the witness in answer to question 305, were "cuales fueron," which might refer just as well to communications as to Ministers.]

Q. 308. Then you do remember having transcribed communications from Tornel, Parres, and Yturbe, as well as from Castillo Lanzas?

A. I believe I did copy or insert communications from them, but I cannot now remember what they were about.

Q. 309. I did not ask you what they were about. Do you, or do you not now remember the fact that you transcribed communications from those Ministers?

A. I have not a perfect recollection of it, but my belief is that I did.

Q. 310. Have you any better recollection of the fact that you transcribed communications from Castillo Lanzas, and if so, why?

A. No, sir. My recollection is the same about those.

Q. 311. Then your only knowledge of the signature of Castillo Lanzas is founded upon an imperfect recollection of having seen and copied some communications from him, thirteen years ago?

A. No, sir. I have not a perfect recollection of having copied communications from him, but I do remember perfectly well having seen his signature, and the signatures of the other Ministers. I have named two communications from them when I was in the Ministry.

Q. 312. You know the signatures of all of them equally well, do you?

A. Yes, sir.

Q. 313. You say the communication from Becerra to Castillo Lanzas was written on the day of its date. What day was that, what month, what year?

A. 20th May, 1846.

Q. 314. You know that from seeing it on the paper, don't you?

A. Yes, sir.

Q. 315. What was it that impressed on your mind what you say you heard in 1846, about the New Almaden Mine?

A. Because I spoke to Mr. Del Rio (who was Professor of Mineralogy in the College of Mining) about the discovery in 1846.

Q. 316. But how do you happen to remember that particular conversation?

A. Because he spoke to me about the immense richness of the mine, as shown by the specimens which he had received.

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Q. 317. Can you assign no other reason for remembering that conversation so well, save the fact that you do remember it?

A. I remember that there was a great deal of talk about the discovery at that time in Mexico, and that I spoke to Mr. Castillero and others about it at that time; it therefore impressed itself upon my memory.

Q. 318. When and where did you first become acquainted with Andres Castillero?

A. In 1846, in the Ministry of Justice.

Q. 319. Were you acquainted with him in the month of May of that year?

A. I don't remember.

Q. 320. Was it before or after the conversation you had with Mr. Del Rio (that you have just related) that you became acquainted with Andres Castillero?

A. I cannot recollect.

Q. 321. Did you ever see Andres Castillero write?

A. No, sir.

Q. 322. What was he doing in the Ministry of Justice when you first became acquainted with him?

A. I cannot say positively, but I suppose he was there attending to his business of the mine.

Q. 323. Was he communicating verbally or otherwise with any one there; if so, with whom, and what did he say?

A. All I remember about it is, that I saw him there talking to some of the oficiales about the business of the mine.

Q. 324. Does "Exhibit Bassoco No. 9, O. H," mentioned by you in your answer to question 16, constitute a complete copy of the expediente which you say exists in the Ministry of Gobernacion, or does said expediente consist of other documents also, which are not copied into this exhibit?

A. It is a full and complete copy of all of that expediente.

Q. 325. Do you say the same thing with respect to "Exhibit Bassoco No. 8, O. H." touching the expediente which you say, in answer to question 14, exists in the Ministry of Relations?

A. Yes, sir.

Q. 326. Do the documents of which that expediente consists all purport to be original documents, or do any of them purport to be copies of originals?

A. Some of them are copies of originals existing in other expedientes, and other offices, but they all constitute one expediente. An expediente is framed by putting together all the papers in the office connected with a particular piece of business,—some of them copies, and some originals; an expediente thus made up is called an original expediente, and is interwoven

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with other expedientes in other offices,—one having the original, and the other a copy of the same document.

Q. 327. Is there, then, a duplicate of that expediente ("Exhibit Bassoco No. 8, O. H.") in the Ministry of Justice?

A. No, sir; there are other expedientes, which are connected with that in other offices, but they are not duplicates. This expediente was formed in the Ministry of Justice?

Q. 328. Is there not a duplicate of every document composing that expediente in the Ministry of Justice?

A. I believe not, because all the expedientes relating to the branch of mining have been transferred, as I understand, to the Ministry of Relations.

Q. 329. In what office is the original document, of which a copy is found in this Exhibit ("Bassoco No. 8, O. H.") on pages 17, 18, 19, 20, 21, and 22, in red ink?

A. At present it is in the Ministry of Relations, where the expediente is now kept which was formed in the Ministry of Justice.

Q. 330. Is the tracing in this Exhibit done with sufficient accuracy to enable any one acquainted with the handwriting of the various documents and signatures in the original expediente, to recognize the same by an examination of this Exhibit?

A. Yes, sir.

Cross-examination closed.

DIRECT EXAMINATION RESUMED.

Questions by Mr. Billings.

Q. 331. You have stated that you were in the Ministry as meritorio or escribiente from about the beginning of the year 1846 to the year 1852—a period of six years; during this time did you not necessarily write and copy a vast number of official documents?

A. Yes, sir.

Q. 332. Are there not in the Ministries and public offices in Mexico, at this very time, a great number of official documents and communications which were written by you during this period, and which are now accessible and subject to the inspection of anybody who may desire to see them?

A. Yes, sir; and some of my handwriting may also be seen in all the capitals of the departments.

Q. 333. Are there not now many persons in the public offices of Mexico, as well as others, who are well acquainted with your handwriting, as it was during your employment in the Ministry?

A. Yes, sir; there are a great many.

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Q. 334. The original of the communication from Becerra, Minister of Justice, to Castillo Lanzas, Minister of Relations, the body and direction of which you have sworn is in your handwriting, is in the expediente now in the Ministry of Gobernacion, is it not?

A. Yes, sir; I compared it there.

Q. 335. If the original of said document (a traced copy of which appears in "Exhibit Bassoco No. 9, O. H.") which you have sworn to have been written by you, was not in fact written by you; would it not be the easiest thing in the world —by an inspection of some of the many documents written by you about that period, and now in the various Ministries and public offices in Mexico, by a comparison of them with the original of this particular document now in the Ministry of Gobernacion—to ascertain beyond all question that this particular document was not in fact written by you, and that you had sworn falsely in stating it to be your handwriting?

A. Undoubtedly, it would be very easy to do so.

Deposition closed.

MARIANO MIRANDA.

Sworn to and subscribed, September 19, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

NOTE BY THE COMMISSIONER.—The witness desires to correct his answer to question 161, by inserting the word "generally" between the words "one" and "used." This answer as amended, the witness states was his original answer.

The witness also desires to correct his answer to question 305, by substituting the word "what" for the word "who." This answer as amended, the witness states was his original answer.

MARIANO MIRANDA.

Sworn to, and subscribed, this 19th day of September, 1859, before me.

W. H. CHEVERS,
U. S. Commissioner.

NOTE BY THE COMMISSIONER.—Deposition signed by the witness at this date, because the interpreter has been unable to attend to the reading and correction of the same until now.

San Francisco, Cal., September 19, 1859.

W. H. CHEVERS,
U. S. Commissioner.

Filed: September 19, 1859.

W. H. CHEVERS, Clerk.

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"EXHIBIT MIRANDA No. 1, W. H. C."

[SELLO.]

El que suscribe Oficial primero del Ministerio de Justicia, Negocios Eclesiasticos é Ynstruccion pública y Mayor honorario del mismo con ejercicio de decretos.

Certifico: que en Enero del año de mil ochocientos cuarenta y seis fué admitido en la clase de Meritorio de este Ministerio Dn. Mariano Miranda, y sirvió en esa clase y en la de Escribiente hasta el de mil ochocientos cincuenta y dos en que se separó para seguir la correra del Comercio.

Y para que el interesado lo haga constar donde corresponda le doy la presente de suprema orden en Mejico á veinte de Abril de mil ochocientos cincuenta y nueve.

MARº. ALEGRIA.

[Rubric.]

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EXHIBIT MIRANDA No. 2, W. H. C.

[MEXICAN COAT OF ARMS.]

Años de mil ochocientos cuarenta y seis y cuarenta y siete.

SELLO SESTO—DOS PESOS.

Pedro Maria Anaya General de Brigada y Presidente sustituto de los Estados-Vnidos megicanos.

En atencion á la aptitud y servicio de Don Mariano Miranda meritorio de la Secretaria de Justicia y negocios eclesiasticos he venido en nombrarlo por decreto de este dia, para la plaza de Escribiente tercero de la misma, dotada con seiscientos pesos anuales que le designa la ley de veinte de Mayo de mil ochocientos veintiocho, y vacante por ascenso de Don Ygnacio Villava que servia este destino. En cuya virtud el Ministro del ramo que refrenda este Despacho dará las ordenes convenientes para que previas las tomas de razon en la Contaduria mayor y demas oficinas donde corresponda, y prestado por el interesado el juramento de estilo, sea puesto en posesion de este empleo, haciendo que se le guarden las consideraciones que le correspondan, abonandosele el sueldo espresado desde el dia de la

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fhā. de su nombramiento. Palacio del Gobierno nacional en Megico á diez y nueve de Mayo de mil ochocientos cuarenta y siete.

P. M. ANAYA.
[Rubric.]

[SELLO.]

LUIS DE LA ROSA.
[Rubric.]

Pago Zarate [Rubric.] Nombramiento de Escribiente 3º de la Sria de Justicia y negocios eclesiasticos á favor de Don Mariano Miranda.

Tribunal de revision de Cuentas, Mexico Mayo 21, de 1847.
Tomese razon

TRANQUILINO DE LA VEGA.
[Rubric.]

[SELLO.]
Sin drōs.

En la misma fecha se tomó razon á fs. 35 del libro respectivo.

JOSE MARIA NIETO.
[Rubric.]

Tesorerìa General de la Federacion Megco. Mayo 21 de 1847.
Tomese razón,

P. F. DEL CASTILLO.

En la misma fhā se tomó razón á fs 35. uta del libro respectivo.

JOSE M. LERRED.
[Rubric.]

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## EXHIBIT MIRANDA No. 3, W. H. C.

DESPACHO DE ESCRIBIENTE TERCERO
DEL MINISTERIO DE JUSTICIA
Y NEGOCIOS ECLESIASTICOS
A FAVOR
DE DN. MARIANO MIRANDA
Y ESNAURRIZAR.

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TRANSLATION OF EXHIBIT MIRANDA, No. 1.—W. H. C.

[SEAL.]

The undersigned, first Chief Clerk of the Ministry of Justice, Ecclesiastical Affairs and Public Instruction, and honorary Chief Clerk of the same, with the right of signing decrees;

Do certify, that in January of the year one thousand eight hundred and forty-six, Don Mariano Miranda was admitted as a "Meritorio" of this Ministry, and served in that capacity and that of clerk until the year one thousand eight hundred and fifty-two, when he left to engage in commerce.

And to enable the party interested to prove the same whenever it may be proper, I give him the present by supreme order, in Mexico, the twentieth April, one thousand eight hundred and fifty-nine.

MAR°. ALEGRIA.

[Rubric.]

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TRANSLATION OF EXHIBIT MIRANDA No. 2.—W. H. C.

[SEAL.]

Years one thousand eight hundred and forty-six and forty-seven.

SIXTH SEAL.—TWO DOLLARS.

Pedro Maria Anaya, General of Brigade and substitute President of the Mexican United States.

Considering the fitness and services of Don Mariano Miranda "Meritorio" of the Secretary's office of Justice and Eclesiastical Affairs, I have decided to appoint him by decree of this day to the place of third clerk of the same, endowed with six hundred dollars per annum, provided for it by the law of the 20th May, one thousand eight hundred and twenty-eight, and vacant by the promotion of Don Ignacio Villava, who held this situation; wherefore the Minister of the branch who countersigns this commission will give the proper orders, so that due note being taken in the Auditor's and other corresponding offices, and the usual oath having been taken by the person interested,

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he be placed in possession of this office, causing him to be treated with the proper consideration, paying him the said salary from the date of his appointment. Palace of the National Government in Mexico the nineteenth day of May, one thousand eight hundred and forty-seven.

P. M. ANAYA.
[Rubric.]

[GREAT SEAL.]

LUIS DE LA ROSA.
[Rubric.]

Paid.
ZARATE.
[Rubric.]

Appointment as third clerk of the Secretary's office of Justice and Ecclesiastical affairs of Don Mariano Miranda.

Tribunal for the correction of accounts, Mexico, 21 May, 1847.

[SEAL.] Let note be taken.

TRANQUILINO DE LA VEGA.
[Rubric.]

No dues.

On the same day note was taken on page 35, of the respective book.

JOSE MARIA NIETO.
[Rubric.]

Generl. Treasury of the Confederation.
Mexico, 21 May, 1847.
Let note be taken.

P. F. DEL CASTILLO.
[Rubric.]

On the same day note was taken on the reverse of page 35, of the respective book.

JOSE M. LERRED.
[Rubric.]

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TRANSLATION OF EXHIBIT MIRANDA, No. 3.—W. H. C.

Commission of third Clerk of the Ministry of Justice and Ecclesiastical Affairs, in favor of Don Mariano Miranda y Esnaurrizar.

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# DEPOSITION OF A. J. DE VELASCO.

—

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 29, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c. &c., came Agustin Jimenes de Velasco, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, Esq., of counsel for claimant, and E. W. F. Sloan, Esq., for the United States.

Questions by counsel for claimant.

QUESTION 1. What is your name, age, place of residence, and occupation?

ANSWER. Agustin Jimenes de Velasco; I am 34 years of age; I reside in the city of Mexico, and am an employé in the Ministry of Relations.

Q. 2. How long have you been employed in that Ministry, and what offices have you held in it?

A. I first entered the service of the Government as Meritorio in the Ministry of War in 1842, and remained there for six months in that capacity; at the end of that time I passed into the Ministry of Relations as escribiente, and continued there in different employments until September, 1843, when I became attached to the Mexican Legation to Central America, as Oficial of the Legation. I remained in Central America with the Legation until October, 1854, and was then transferred to the Legation to the United States, to which I became attached in the same capacity, and in which employment I continued until September, 1855, when I set out on my return to Mexico, and I have since continued in the Ministry of Relations. Since I

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first entered this Ministry, I have gone through all the grades successively, until I reached my present position of Oficial Tercero.

Q. 3. What office did you hold in the Ministry of Relations in the year 1846?

A. I was Fourth Escribiente (Escribiente Cuarto.)

Q. 4. Who was Minister of Relations in that year?

A. Don Joaquin Maria del Castillo y Lanzas.

Q. 5. Do you know his handwriting and signature?

A. Yes, sir. I know them, because I have often seen him write his private letters, and I have very often seen him sign official communications.

Q. 6. Examine the document now shown you, purporting to be an original communication addressed by the said Castillo y Lanzas, Minister of Relations, to the Governor of the Department of California, dated May 23d, 1846, which letter, as translated by the interpreter, reads as follows:

"*Ministry de Relaciones Exteriores, Gobernacion y Policia:*

"MOST EXCELLENT SIR:—The excellent and illustrious Señor Minister of Justice, in a dispatch of the 20th instant, states to me as follows:

'MOST EXCELLENT SIR:—I, to-day, say to the excellent Señor Don Vicente Segura, President of the Junta de Fomento de Mineria, what follows: Most Excellent Sir—Having informed his Excellency, the President, *ad interim*, of the contents of the note of your Excellency of the 14th inst., with which you were pleased to send me with recommendation, the petition of Señor Don Andres Castillero, for the encouragement (fomento) of the quicksilver mine, which he has discovered at the Mission of Santa Clara, in Upper California: his Excellency has been pleased to approve in all its parts, the agreement made with said individual to commence the working of said mineral, and at this date the proper communication is sent to the Ministry of Relaciones Exteriores y Gobernacion, so that it may issue the necessary orders with respect to what is contained in the 8th proposition, relating to the grant of lands in that Department; and I have the honor to insert it to your Excellency, so that with regard to the petition of Mr. Castillero, to which his Excellency, the President, *ad interim*, has been pleased to accede, that, as a colonist, there should be granted to him two square leagues of land, upon the land of his mining possession. Your Excellency will please issue the orders referred to. I repeat to your Excellency, &c.

"And I transcribe it to your Excellency, so that in accordance with what is provided in the laws and dispositions upon

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the subject of colonization, you may place Mr. Castillero in possession of the two leagues referred to.

"God and Liberty. MEXICO, May 23, 1846.

(Signed) "CASTILLO LANZAS."

In whose handwriting is the body of that communication; and whose the signature?

A. The body of the document is in my handwriting, and the signature to it is that of Mr. Castillo y Lanzas, who is now here in San Francisco.

Q. 7. When was that letter written and signed.

A. It was written and signed on the day of its date.

Q. 8. Examine the document now shown you, marked "Exhibit Bassoco No. 9, O. H." State whether you have compared it with its original, where the original exists, when, where and in what manner was the comparison made, and is this a faithful copy of the original?

A. I have compared it with its original, which exists in the archives of the Ministry of Gobernacion. I made the comparison on the 23d April of this year, in that Ministry, by having the original read to me while I read this traced copy, and then having this traced copy read to me while I read the original, and I then laid each leaf of this copy upon its original, and found it to be a perfect traced copy.

Q. 9. Are you acquainted with any of the persons whose handwritings and signatures appear in the said original expediente? Do you know any of said handwritings or signatures; how do you know them; and are they genuine?

A. I do know some of those persons' signatures and handwritings; I know Messrs. Quintanar, Monasterio and Castillo Lanzas; I know the handwriting of these three gentlemen, and the signatures of two of them, Messrs. Monasterio and Castillo Lanzas.

The original, a copy of which appears on page No. 1 (in red ink) as follows:

"MINIST°. DE RELACIONES, }
EXT^RES. GOB^CN., Y POLICIA. }

"Año de 1846.

N. 67, Yndiferente. El Gob^or. de Californias sobre descubrim^to. de una Mina de Azogue en aq^l. Departam^to. y remite una muestra de ese ingrediente concesion de dos sitíos al Sr. Castillero inmediato a la Mina de Azogues;" is in the handwriting of Don Manuel Quintanar, who died about a year or a year and a half ago.

The next document in the said original expediente purporting to be a communication from Pio Pico, Governor of Califor-

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nias, to the Minister of Relations, dated Angeles, February 14th, 1846, is in a handwriting and bears a signature I am unacquainted with; the marginal note (acuerdo) upon it, as follows:

"Abl. 6, 1846.

"Rb$^{o}$ y enterado con satisf$^{on}$ y q$^{e}$ respecto á los otros puntos de q. trata la corta informe con detencion lo q. se le ofresca," is in the handwriting of José Maria Ortiz Monasterio; the rubric to this acuerdo is that of Castillo Lanzas. A copy of them will be found on page 2 and the reverse of page 3 (in red ink) of this Exhibit.

The document in the original expediente, purporting to be a minuta or office copy of a communication addressed by the Minister of Relations to the Governor of California, in reply to the foregoing, dated April 6th, 1846, is in the handwriting of the said Quintanar. A copy of it will be found on page 7 (in red ink) of this Exhibit.

The next document in the said original expediente, purporting to be an original communication from Becerra, Minister of Justice, to the Minister of Relations, dated May 20th, 1846, is in a handwriting and bears a signature with which I am unacquainted; but the note, or acuerdo, written upon the margin of it, as follows:

"Mayo 23, 1846.

"Espídanse las ordenes á q$^{e}$ se contrae esta communi$^{cn}$," is in the handwriting of Castillo Lanzas, and bears his genuine rubric; a copy of them will be found on page 8 and the reverse of page 9 (in red ink) of this Exhibit.

The next document in the said original expediente, is a minuta or office copy of a communication addressed by the Minister of Relations to the Governor of Californias, dated May 23d, 1846, and is in the handwriting of the said Quintanar. A copy of it will be found on page 10 (in red ink) of this Exhibit.

I have seen Messrs. Castillo Lanzas and Monasterio often sign their names, therefore I know their signatures. I have not seen Mr. Quintanar sign, but have seen him write.

In 1846, Mr. Monasterio was first Oficial of the Ministry of Relations, and Mr. Quintanar was also an Oficial in that Ministry,—third or fourth Oficial, I don't remember which.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 30th, 1859.

Direct examination of Agustin Jimenes de Velasco resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Sloan for the United States.

Q. 10. Are you acquainted with J. Miguel Arroyo?

A. Yes, sir.

Q. 11. Are you acquainted with his handwriting and signature?

A. Yes, sir.

Q. 12. What office does he hold?

A. At present he holds the office of Oficial Mayor, in the Ministry of Relations.

Q. 13. How long has he held that office?

A. I think that he entered the office in January, of the year 1858, and he has held it ever since—at least he held it when I left Mexico, and I have heard of no change since.

Q. 14. Examine the certificates, affixed to the Exhibits "Bassoco No. 1, O. H."; "Bassoco No. 5, O. H."; "Bassoco No. 6, O. H."; "Bassoco No. 7, O. H."; "Bassoco No. 8, O. H."; "Bassoco No. 9, O. H."; "Bassoco No. 10, O. H." "Bassoco No. 11, O. H."; "Bassoco No. 12, O. H.": say if you are acquainted with the signatures to said certificates; whose are they?

A. I have examined all the certificates mentioned in the question. I am not acquainted with any signatures to said certificates, with the exception of the signature of J. Miguel Arroyo. To each one of said Exhibits there is a certificate which bears the genuine signature of the said Arroyo.

Q. 15. Do you know the seals which are used by the Ministry of Relations?

A. Yes, sir; I do.

Q. 16. Describe them. State for what purpose they are respectively used.

A. There are four in the Ministry of Relations, which are used for different purposes: there is one which is used without wafer or ink—used as a stamp—it is quadrilateral; one small eliptical seal used to certify signatures; there is another of the same form as the last, but larger, which is used in stamping the envelopes of communications from the Ministry; and there is another about the size of a half dollar, which has the coat of arms of the Republic upon it, which is used to stamp the envelopes of communications addressed to the representatives of foreign governments in Mexico. In addition to these, there is



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the great seal which is kept in the Ministry of Relations in the Seccion de Cancilleria, and a very small eliptical seal which is used by the Minister for his private correspondence. The great seal is only used upon such documents as are signed by the President, although it has happened that it has been used upon documents that were not so signed, but that was looked upon as exceptional and strange.

Q. 17. Examine the certificate and seals affixed to certain Exhibits, filed by the defendants with their answer in the case of the United States vs. John Parrott et al. on the equity side of the United States Circuit Court for the Districts of California, said Exhibits being marked respectively Exhibits "G," "H," "I," "K," and "L:" say if you know any of the signatures and seals to the said certificates?

A. I have examined the said certificates and seals. To each of the Exhibits referred to, there is a certificate bearing the genuine signature of J. Miguel Arroyo, and two seals of the Ministry of Relations; one impression made on wax, and the other done with ink. The impression of the seal on wax has become very indistinct, and in some cases altogether obliterated.

Q. 18. I find that some of the seals on the said Exhibits of which you have spoken, in which ink is used, contain the words "Secretaria de Estado y del Despacho de Relaciones Exteriores, Mexico," and others of them contain the words "Republica Mexicana, Secretaria de Estado y del Despacho de Relaciones Exteriores." Why are these different seals used?

A. Although one of these seals is the one that is generally used for documents of this kind, the other has just as much validity, and therefore the latter is used occasionally. The small one, beginning with the words "Republica Mexicana," etc., is the one generally used on certificates.

Q. 19. Which of the seals described in your answer to question 17th, do you find on J. Miguel Arroyo's certificates to the Exhibits mentioned in question 14th?

A. A small eliptical seal, in ink, beginning with the words "Republica Mexicana," and the seal which I described as being about the size of a half dollar.

Q. 20. Have you any recollection of having heard, in 1846, of Castillero's discovery of a great quicksilver mine in California?

A. I have a recollection of having heard the discovery of this mine spoken of at that time; but it is very vague.

Q. 21. Is it sufficiently distinct to enable you to state anything of what you heard, or from whom you may have heard it?

A. No, sir, it is not.

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Q. 22. For what purpose did you come to this place from the city of Mexico?

A. For the purpose of testifying whether or not the communication, which was shown to me yesterday, was written by me in 1846.

Q. 23. As that communication was not shown to you in Mexico, it being in the archives in California, how could you know that it was written by you?

A. Because I was shown, in Mexico, a photographic copy of it.

Q. 24. In whose company did you travel from Mexico to San Blas, and thence to San Francisco?

A. In company with Messrs. William Barron, Billings, Castillo Lanzas, Negrete, Bassoco, Balcarcel, Castillo, Villalon, Yrisarri, Miranda, and Castillo Lanzas, Jr.

Q. 25. What compensation have you received, or are you to receive, for coming to San Francisco to give your testimony in this case?

A. I am to receive in all three thousand dollars, with the understanding that my absence should not exceed three months. I have already received about one thousand dollars of that sum.

Q. 26. Did you obtain leave of absence?

A. Yes, sir. I obtained leave of absence from the Minister of Relations, who is the head of my department.

Q. 27. Are you to receive any salary during your absence?

A. No, sir.

Q. 28. What is your annual salary?

A. Thirteen hundred dollars.

Direct examination closed.

CROSS EXAMINATION.

Questions by Mr. Sloan.

Q. 29. What was your age in 1846?

A. Twenty-one.

Q. 30. You have just said, in your direct examination, that you were advised of the fact, that the body of document referred to in question 5 is in your handwriting, by a recent examination of a photographic copy of that document, shown to you in the city of Mexico. Do you state that the handwriting of the body of that document is yours, solely from your knowledge of your own handwriting, or have you a personal recollection of having written it?

A. I know it for both those reasons.

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Q. 31. Have you now a distinct recollection of having written that document?

A. Yes, sir.

Q. 32. Was it signed in your presence?

A. Yes, sir.

Q. 33. What persons were present at that time?

A. I don't remember the persons precisely, but I believe there was no one present but the Oficial de Guardia, myself as Escribiente, and the Minister, Mr. Castillo Lanzas.

Q. 34. What disposition was made of the document, after it was signed by Castillo Lanzas?

A. It was closed, and directed to the person to whom it was addressed.

Q. 35. Do you mean to say that it was inclosed, and directed to the Governor of Californias?

A. Yes, sir. He was the person to whom, as I understand, it was addressed.

Q. 36. Was any effort made to transmit that document to the official to whom it was addressed; and if so, what?

A. It was placed in the box in which the Ministry deposited all its communications to be sent by mail, from which box they are taken by the Post-office authorities.

Q. 37. Do you mean to say that the Post-office authorities received the letters and communications addressed to officials in the various departments, by the Ministry of Relations, at the office of that Ministry, or were these communications transmitted from that office to the Post-office by some porter in the employment of that Ministry?

A. The box was kept in the Ministry, and when the communications were deposited in it, it was locked up, and sent by an Ordenanza or a Mozo to the office of the general administration of mails, (Administracion Correos,) where it was opened, the communications taken out, and the box returned. There were two keys for this box—one kept in the Ministry, and the other in the office to which it was carried as I have stated.

Q. 38. Was all that usually done with so much care as to preclude any one private individual, not connected with either office, from removing any particular document so deposited in that box for transmission to the mails?

A. I believe it was, because the box, being locked in the Ministry, and remaining so until it reached the office to which it was sent, it is not probable that any such removal could have happened.

Q. 39. Was it the habit of the Ministry, in transmitting official communications to the various departments, to adopt any

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mode of transmission, save that of the regular mails, or by a messenger especially appointed for that purpose?

A. No, sir. It generally sends such communications by mail, but when it required to send anything with unusual speed—faster than it could be sent by mail—it is usual to send a special messenger, called extraordinario.

Q. 40. Can you say, with confidence, there was no extraordinario employed on the occasion, to carry the document in question to Upper California?

A. I cannot state positively, but I believe it was sent in the usual way, by mail.

Q. 41. Was it not the uniform, or at least the usual, custom for officials in the respective departments, upon receiving official communications from the Ministry of Relations, to transmit to that Ministry a written acknowledgment thereof?

A. It is usual to do so. Sometimes the replies have failed to reach the Ministry, owing to the remoteness of the place from which they come, or accidents on the way.

Q. 42. How are such replies, when actually received at the Ministry, usually disposed of; are they filed with the minutas of the original communications retained in the office?

A. Yes, sir; they are, so as to form the expediente.

Q. 43. Did you, when examining the expedientes in the office of that Ministry, and comparing "Exhibit Bassoco No. 9, O. H." with that expediente, or at any other time, discover any communication from the Governor of Californias, or other public official of that department acknowledging the receipt of the document in question, dated May 23rd, 1846, and signed "Castillo Lanzas?"

A. I don't remember having seen any such communication.

Q. 44. If there had been any such communication connected with that expediente, would you not necessarily have discovered it?

A. I would of course have seen such communication if it had been there.

Q. 45. "Exhibit Bassoco No. 9, O. H." is a complete copy of the expediente mentioned, is it not?

A. Yes, sir; this is a complete copy of the expediente which I compared with it, but whether there was any more of that expediente or not, I do not know.

Q. 46. Was that expediente made up in the office of the Ministry of Relations, or was it made up in another office, and from thence removed to that one?

A. It was made up in the office of the Ministry of Relations.

Q. 47. Does that expediente consist of detached papers, so that portions of it might be removed or displaced at any time,

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or are the several papers composing it fastened or attached to each other in some manner?

A. They are stitched together and the pages numbered.

Q. 48. Can you not then say positively whether "Exhibit Bassoco No. 9, O. H." is a copy of that entire expediente, or of part of it only?

A. I can state positively that it is a complete copy of an entire expediente, stitched and numbered as I have stated, and which I therefore consider a complete and entire expediente.

Q. 49. The last document in that expediente, dated May 23, 1846, is correctly traced on page 10 (in red ink) of "Exhibit Bassoco No. 9, O. H.," is it not?

A. Yes, sir.

Q. 50. In your direct examination, I understood you to say, that the body of that document was in the handwriting of Quintanar; in whose handwriting is the name of Castillo Lanzas, signed to that document?

A. It is all—including the name of Castillo Lanzas—in the handwriting of the same Quintanar; the name of the Minister by whom the communication is sent, is generally written on minuta for reference.

Q. 51. Is that the custom, in every Ministry, and in the various offices of the Government?

A. It is a matter of private regulation with each office; in some offices that is done, and in others a different course is pursued.

Q. 52. On page 7 (in red ink) of the same Exhibit, the document dated April 6, 1846, addressed to the Governor of Californias, on your direct examination you said was in the handwriting of Quintanar; did you intend, in that statement, to include the signature of Castillo Lanzas, subscribed to that document.

A. Yes, sir; it was all written by Quintanar.

Q. 53. Do you remember that a duplicate of the document was inclosed, addressed and transmitted to the Governor of Californias?

A. No, sir; not a duplicate. I am certain that there was a communication, of which this is the minuta; but I do not recollect its being sent to the Governor; but it was natural and to be presumed that it was sent to him.

Q. 54. Do you actually remember anything about it; or do you only suppose that such was the fact, from the usual course of procedure in the office, upon finding that minuta in the expediente?

A. I know there was such a communication to the Governor of Californias. I do not infer it or suppose it at all.

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Q. 55. In whose handwriting was it made out?

A. I don't remember the person that wrote it.

Q. 56. Do you remember to have seen it written, or signed?

A. I saw it after it was written, and before it was taken to the Minister for his signature.

Q. 57. Where—in whose hand was it?

A. It was usual, at that time, to collect all the papers that were to be signed by the Minister, and I saw this among others, but I don't remember in whose hands it was.

Q. 58. Did you read it at the time, so as to be able now to remember its contents?

A. No, sir; I don't remember having read it at that time.

Q. 59. How then can you identify it as the original of which this is the minuta?

A. I do not state that this is the minuta of that original communication I say only, that I remember there was such a communication, but do not remember its contents, and that this is a correct traced copy of the minuta in the expediente.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, August 31, 1859.

Cross-examination of Agustin Jimenes de Velasco resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 60. Was Monasterio the First Oficial in the Ministry of Relations in 1850?

A. I am not certain, but I think he was.

Q. 61. When copies of expedientes or documents, on file in that office, were furnished for the use of any one, whose duty was it to certify them?

A. It was the duty of the Oficial Mayor.

Q. 62. When Monasterio certified copies of that character, was he in the habit of writing his name "O. Monasterio," or of writing it at length?

A. He signed his name in full—"José Maria Ortiz Monasterio." I don't remember that he ever signed it otherwise. It may very well have happened, that he sometimes signed "Ortiz Monasterio."

Q. 63. Was there any other person, at any time during the year 1850, occupying the position of Oficial Mayor, in the

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Ministry of Relations, by the name of Monasterio, other than the said José Maria Ortiz Monasterio?

A. I don't remember any; I believe he was the only one, but there was another person in the office, who was called Oficial Mayor Segundo, who had the same authority to sign documents as the Oficial Mayor. I don't remember his name.

Q. 64. Were you pretty constantly in the office of the Ministry of Relations during office hours, or were you frequently absent, in 1850?

A. I was in the office all the time during office hours, in that year.

Q. 65. Do you remember that during the year 1850, on or about the 23d day of April, copies of what purport to be some of the documents contained in the expediente of which "Exhibit Bassoco No. 9, O. H," is a copy, were furnished at the office of that Ministry, and certified to by some one using the signature of "O. Monasterio"?

A. I do not.

Q. 66. Do you remember that any application was made at that office, in April, 1850, by any one for a copy, or copies, of any one or more of those documents?

A. No, sir. I do not.

Q. 67. Do you remember that any application of similar character was made by any one in 1848, 1849, or at any time since, prior to 1859?

A. I don't remember that copies of any such documents were solicited during that time, but it might very well have happened without my knowledge.

Q. 68. Did you ever meet with Andres Castillero, in the office of the Ministry of Relations, at any time since 1846?

A. No, sir.

Q. 69. Are you positively certain that you have not?

A. I am certain that I have no knowledge of having seen him there; because, if I had seen him, I would not have known him. I have only seen him once, and if I should see him again I would not recognize him. When I saw him, I knew it was him only because he was pointed out to me as Andres Castillero.

Q. 70. On what occasion, when, and where was he so pointed out to you?

A. I don't remember the exact date, but it was recently, in Mr. Barron's house, in the city of Mexico. I think it was the house of Mr. Eustace Barron.

Q. 71. Were you introduced to Castillero on that occasion?

A. Yes, sir.

Q. 72. State as nearly as you can, how long ago that was?

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A. I believe it was in April last.

Q. 73. How long since you first became acquainted with Mr. Eustace Barron?

A. I only knew him by sight.

Q. 74. Did you know him by sight in 1846?

A. I don't remember.

Q. 75. Did you know him as early as 1850?

A. I don't remember.

Q. 76. Did you ever know Alexander Forbes, of Tepic?

A. No, sir.

Q. 77. Have you no knowledge whatever of applications at the office of the Ministry of Relations, by any person or persons, claiming to be in possession of or interested in the New Almaden Quicksilver Mine, for the papers or documents, or copies of papers or documents, touching said mine, prior to 1859, and subsequent to 1846?

A. I have a very vague idea that, at some time prior to 1859, there was an application for a copy or copies of a document or documents, relating to the mine.

Q. 78. State as explicitly as you can, when and by whom that application was made?

A. I cannot state, because I do not remember.

Q. 79. Since the discovery of that mine was the subject of so much public interest, and enlisted so particularly the attention of the Government, how does it happen that an application of the kind mentioned, should have made so faint an impression on your memory?

A. Because I, being only a subaltern in the office, would feel no interest in a matter of that kind.

Q. 80. You stated in your direct examination, in answer to question 20, that you recollected having heard the discovery of this mine spoken of at that time; state now, if you can, whether you ever heard it spoken of prior to the 23rd day of May, 1846.

A. I don't remember whether it was before or after that date that I heard it spoken of.

Q. 81. At the time you wrote the body of the document, here shown to you day before yesterday, bearing date the 23rd May, 1846, and signed "Castillo Lanzas," had you heard anything spoken of the discovery of that mine?

A. I cannot remember; I have already stated that I could not recollect whether it was before or after that date, that I heard it spoken of.

Q. 82. Did some one verbally dictate to you the contents of that document, or did you copy it from minutas on file in that office, as you wrote it?

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A. I don't remember which.

Q. 83. Did you at any time write a document of the same import, but addressed to Andres Castillero instead of the Governor of the Californias?

A. I do not remember having done so.

Q. 84. Can you state whether another document of the same import, but addressed to Andres Castillero, and signed by Castillo Lanzas, was at any time issued from that office?

A. I cannot. I don't remember any.

Q. 85. If any such document had been furnished at that office, would not some note or memorandum of the fact have been entered there?

A. If there had been such a document addressed to Andres Castillero, there should have been a minuta of it in the Ministry.

Q. 86. Was it not a rule in that office to have entered some note or memorandum of all official communications made to the several Departments of the Government, showing the fact that they had been transmitted as directed, and the time of such transmission?

A. There was what we call a minuta kept, and as the communication was ordinarily sent off on the day of its date, the date of the minuta would show the date on which it was sent.

Q. 87. Was not the minuta usually entered before the communication was written and signed for transmission; and if so, how could the minuta evidence the fact that the communication had been actually transmitted?

A. Yes, sir; that is the case, but as it is usual to send off communications on the day of their date, and as the minuta would show that, the inference would be that the communication was sent on the day of the date of the minuta.

Q. 88. After sufficient time had elapsed from the date of a communication transmitted from that office to some Department of the Government for the reply from the officer to whom it was sent, acknowledging its receipt, and no advices have been actually received, was it not the custom in that office to repeat the communication?

A. It has often happened that when there was any doubt of its having reached its destination, the communication was repeated.

Q. 89. After all you have said, touching the writing of that document bearing date the 23d May, 1846, and the attempt to transmit the same to the Governor of the Californias, by depositing it in a box, in which were deposited all communications to be sent by mail, would you be surprised to learn that the document in question never was transmitted to or received by said Governor, but was kept in the possession of Andres Cas-

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tillero, or some other private individual in Mexico, until 1851 or 1852?

A. I observe that there is an error in my testimony, as I see it printed in the newspaper of to-day, in regard to that box, What I stated with regard to that was, that it was the custom to place all communications in that box, but that sometimes they were handed to the person interested, and sometimes sent by mail, or private hands. I also stated that I could not state that I saw this communication placed in the box.

If I had seen it placed in the box to be sent by mail, I would of course be surprised to learn that it had not been so sent, but remained in the hands of some private persons.

Q. 90. Question 36th propounded to you yesterday is as follows: "Was any effort made to transmit that document to the official to whom it was addressed, and if so, what?—" your reply as written, is this: "It was placed in the box in which the Ministry deposited all its communications to be sent by mail, from which box they are taken by the Post-office authorities." In making that reply, did you infer that the document was so deposited from the usual custom in the office of the Ministry, without any recollection whatever of the fact?

A. I inferred that that was the case from the custom in the office, and I also gave the explanation given in my last answer, but it seems that by some mistake it was not taken down.

Q. 91. What answer do you now make to question 36th, from facts within your memory?

A. After the communication was signed and closed, I don't know what became of it.

Q. 92. Who called your attention, for the first time to-day, to what you say is an error in your answer, as printed, to question 36?

A. Nobody. In reading over the testimony in the newspaper, I found the error myself, and marked it at the time with pencil, so as to have it corrected. I have also marked some other parts of my testimony, which, I observe, is incorrectly given in the newspapers.

Q. 93. Why did you not apply to have these errors corrected, before your examination was commenced to-day?

A. I did not know that I could have it done before the examination commenced.

Q. 94. Did you not communicate to some one the discovery of the errors you have mentioned, prior to the commencement of the examination?

A. I stated merely, by way of conversation, that I had discovered some errors in the testimony, and showed where I had marked it.

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Q. 95. With whom did you converse on the subject this morning?

A. I showed where I had made the marks, and spoke of the matter to two of my companions at the hotel, and to Mr. Peachy.

Q. 96. Did either of the persons with whom you conversed inform you that the document in question had not in fact been transmitted to the Governor of California?

A. No, sir.

[Mr. Peachy, of counsel for claimant, states that he would have asked that the errors pointed out by witness be corrected before the examination was resumed to-day, if he had not thought it better to pursue the course uniformly adopted in taking these depositions, which is, after the examination has been closed, to have the whole deposition read over to the witness by the interpreter, and corrected before signing.]

Q. 97. Did you, before leaving the city of Mexico, examine the original documents, of which "Exhibit Bassoco No. 8, O. H." purports to be a traced copy, and did you compare said traced copy with those original documents?

A. I compared the expediente with this traced copy, in the manner before stated; I examined them sufficiently to make the comparison.

Q. 98. Did those documents constitute one entire expediente, and in what office did it exist when you made that comparison?

A. I consider it a complete expediente, because it is formed and stitched together in the same manner as this traced copy. It existed in the Ministry of Relations when I made the comparison.

Q. 99. In what office was that expediente made up?

A. I don't remember exactly, but I think it was begun in the Ministry of Justice.

Q. 100. Was it not finished in the Ministry of Justice, and thence transmitted to the Ministry of Relations?

A. I cannot state positively, because the Branch of Mining has often changed from one Ministry to another.

Q. 101. Can you not state at what time that expediente was first lodged in the office of the Ministry of Relations?

A. No, sir, for I do not remember the date.

Q. 102. Look at the said Exhibit from page 17 to page 22 (in red ink) inclusive, and state whether the document in said expediente, from which the writing on these pages seems to be traced, does not purport to be the original petition addressed by Andres Castillero himself to the Junta de Fomento, dated May 12, 1846, and containing certain propositions for the consideration of said Junta.

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A. It does purport to be the original petition of Andres Castillero, but I don't see that it is addressed to anybody.

Q. 103. Can you state now whether, at the time you compared that traced copy with said last named document, there was any acuerdo or writing of any kind upon the margin or back of it?

A. At the time that I compared it, I found nothing on the original but what appears in that traced copy.

Q. 104. Look at page 2 (in red ink) of said exhibit, and state what is the character of the writing on the margin of that page.

A. It is an extract stating the substance of the document itself; but the marginal writing which commences at the foot of the same page, and ends on the reverse of page 3, is an acuerdo.

Q. 105. In whose handwriting is that acuerdo?

A. I don't know.

Q. 106. Look at said exhibit from page 10 to 16 (in red ink) inclusive, and state if you know in whose handwriting the two marginal entries are made, on page 10 and the reverse of page 11 (in red ink)?

A. I don't know the handwriting of either of them.

Q. 107. What are those two marginal entries?

A. The first one is an extract from the communication, and the other an acuerdo.

Q. 108. Did those marginal entries appear on the original document, at the time you compared the traced copy with it, precisely as they appear on this traced copy?

A. Yes, sir.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, CAL., September 1, 1859.

Cross-examination of Agustin Jimenes de Velasco resumed from yesterday.

Present: Mr. Peachy of counsel for claimant, and Mr. Randolph for the United States.

Q. 109. Is not the acuerdo last referred to an important part of the expediente, of which "Exhibit Bassoco No. 8, O. H." purports to be a traced copy?

A. I suppose it should be considered an important part of it, because it is the resolution of the Government upon the petition.

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Q. 110. In furnishing a copy of that expediente to be used as proof of title on the part of the person interested, would you not consider it proper that an acuerdo of that character should be furnished also with such copy?

A. That would depend upon particular circumstances; when a copy of a document is asked, it is necessary to obtain permission of the Minister or Oficial Mayor to grant it, but a copy of an acuerdo cannot be given without the permission of a Minister.

Q. 111. Do you suppose it possible that any clerk competent to make a copy of said expediente could have overlooked the acuerdo just referred to, provided it appeared at the time on the margin, as it does now, in this traced copy?

A. I think it very natural that he should see the acuerdo, as it is on the margin; but if he were merely told to make a copy of the communication, he would not copy the acuerdo; he would not copy the acuerdo without an order from the Minister.

Q. 112. Suppose the Minister should order a copy of the entire expediente to be furnished, would it be necessary for him to add special directions touching the acuerdo appearing in it?

A. I cannot answer with regard to that, because it would depend on special circumstances.

Q. 113. Please look at the Exhibit now shown you, marked "A. P. L.," annexed to the deposition of José Maria Lafragua, January 29, 1855, filed in the office of the Board of U. S. Land Commissioners, January 30, 1855, in the claim of Andres Castillero, before said Board, and state whether you regard it as a copy of the expediente, of which "Exhibit Bassoco No. 8, O. H.," purports to be a copy?

[Question objected to by Mr. Peachy, on the ground that it is impossible for the witness to say whether the document now shown him is a copy of another document existing in Mexico, unless by comparing it with the copy of that document which has been proved and offered in evidence in this case.]

A. I cannot say whether it is an exact copy without comparing it with the traced copy of that expediente which is here.

Q. 114. Do you know of any expediente existing in the office of the Ministry of Relations, of which the said Exhibit marked "A. P. L.," etc., is a copy?

[Question objected to by Mr. Peachy, on the ground that it is incompetent to prove that one document is an examined copy of another, unless the two have been compared by the witness; and, further, because it is in proof that the document shown to the witness, concerning which he is asked, if it is a

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copy of a document existing in the Mexican archives, exists in the office of the U. S. Surveyor General for California, and could not have been compared by this witness with its original.]

A. The traced copy I have spoken of, is a copy of an expediente existing in that Ministry, but as I have not examined the document referred to in the last question, I am unable to say whether it is a copy of any expediente existing there, or what it is.

Q. 115. Look at the certificate in that expediente dated "Mexico, January 23d, 1851," over the signature of "Ysidro R. Gondra," and state if you have any knowledge or recollection of the circumstance mentioned in that certificate of the examination of an expediente then in the office of the Ministry of Relations by Ysidro R. Gondra?

A. I don't find such a circumstance mentioned in the certificate.

Q. 116. Have you any knowledge or recollection of an examination, in the expedientes or documents touching the New Almaden Mine, at the request of any of the parties interested, on or about the 10th January, 1851, or of the making of copies thereof, by or under the direction of the Minister of Relations, or by or under the direction of José Maria Ortiz Monasterio?

A. No, sir; I have no recollection of having done so.

Q. 117. Were private individuals ever permitted to remove from that office any documents, papers or archives lodged there?

A. No, sir. Nothing of the kind was allowed, especially with regard to the original expedientes, although it may have happened that some Minister may have given an order to some person for the delivery of such papers.

Q. 118. Do you know of any instance of such a removal of papers on the order of a Minister?

A. No, sir. I do not remember any.

Q. 119. Can you, of your own knowledge, state at what time the acuerdo, under date of May 20th, 1846, appearing on what purports to be a communication from Vicente Segura, addressed to the Ministry of Justice, dated Mexico, May 14th, 1846, was actually written on the margin of that document or communication?

A. No, sir. I have no knowledge of it, because I do not belong to the Ministry of Justice.

Q. 120. Is it not possible that you may be mistaken in supposing that you wrote the communication signed "Castillo Lanzas," and addressed to the Governor of Californias, as early as the 23d May, 1846?

A. That might have been, but it was really written by me at that time.

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Q. 121. Would you venture to assert that it was positively written by you on that day, from a distinct recollection of the time and circumstance, independent of the facts that the document itself, as produced, bears that date, and that the minuta which is copied into the latter part of the document, purports to have been written at that time?

A. No, sir. After thirteen years have elapsed, it would be difficult for me to remember that I had written it on that day.

Q. 122. Is it not possible that you may have written it two or three years later, and dated it 23d May, 1846, in reference to some minuta in that expediente?

A. I am almost absolutely certain that that communication and the minuta of it were written in the year 1846.

Q. 123. By whom were you shown the photograph of that communication in Mexico, prior to your departure for this place?

A. I don't remember who it was that showed it to me.

Q. 124. What reason did the person assign for showing it to you?

A. For the purpose of ascertaining whether the communication was in my handwriting.

Q. 125. Did the person seem to be surprised on learning that you wrote the document, or did he say that he had been informed of that fact before he showed you the photograph?

A. I don't recollect those circumstances, but I don't think my stating that it was in my handwriting caused any surprise.

Q. 126. Endeavor to recollect who that person was?

A. I don't remember precisely who it was.

Q. 127. Did he tell you why he wanted to know certainly that the document was in your handwriting?

A. No, sir. I was merely asked if I knew that to be my handwriting.

Q. 128. Was it the same person who asked you to come to California, to testify in this case?

A. I have stated before that I could not recollect who the person was. At that time there was nothing said about coming to California.

Q. 129. How long after that was it that you were requested to come here as a witness?

A. I don't recollect precisely, but it was about three or four months.

Q. 130. Was it before or after you were requested to come to California, that you compared the traced copies (mentioned by you in your direct examination) with the originals?

A. I made those comparisons after I had agreed to come.

Q. 131. Were you engaged in making any of those comparisons prior to the time you were shown that photograph?

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A. No, sir. It was after.

Q. 132. Have you that photograph in your custody, and can you now produce it?

A. No, sir. I have it not.

Q. 133. Do you know what has become of it?

A. No, sir.

Q. 134. Who succeeded Castillo Lanzas in the office of the Ministry of Relations?

A. I don't remember.

Q. 135. Is it not strange that you, being a clerk in the office, cannot remember the name of the person who succeeded him in that Ministry?

A. So much time having elapsed, as I stated before, and the Ministers having changed so frequently, it would be impossible for me to state with certainty who his immediate successor was.

Q. 136. Are you personally acquainted with José Maria Lafragua?

A. Yes, sir; I knew him when he was Minister of Relations.

Q. 137. Were you not a clerk in the office at that time?

A. I was employé there, but I don't remember whether or not I was an escribiente at that time.

Q. 138. Was it before or after the time, when Lafragua was Minister of Relations, that you wrote the document, so often referred to in your testimony, signed "Castillo Lanzas"?

A. It was before he was Minister that I wrote that communication.

Q. 139. Have you any recollection of the fact, that Lafragua left the city of Mexico some time in the latter part of the year 1854, on a visit to the State of California?

A. I am unable to answer as to that, because in 1854 I was not in the Republic of Mexico.

Examination closed.

A. J. DE VELASCO.

Sworn to, and subscribed September 3, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

[NOTE BY THE COMMISSIONER.—This deposition was read to and signed by the witness at this date, September 3, 1859.]

W. H. CHEVERS,
U. S. Commissioner.

Filed September 19, 1859.

W. H. CHEVERS, Clerk.



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# DEPOSITION OF L. P. DE ARCE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v*
ANDRES CASTILLERO.

SAN FRANCISCO, September 23rd, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c., &c., came Lucas Ponton de Arce, a witness produced on behalf of the United States, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: Mr. Randolph, for the United States, and Mr. Peachy for the claimant.

Questions by Mr. Randolph.

QUESTION 1. What is your name, age, and place of birth, and present residence and employment?

ANSWER. Lucas Ponton de Arce; my age is twenty-nine years; I was born in Havana, and I have resided in San Francisco since December 1854; my employment is that of jobbing segar business.

Q. 2. State all that you know of the witness before you, J. M. Castillo y Lanzas?

A. The first time that I saw him was in Hendon, near London, England, at the residence of Mr. Daniel Price. I believe it was about the Christmas holydays, of either the year 1849 or 1850. He was in company with Martin, his son.

I remained at the house of Mr. Price about a week or ten days, then went to London, where I again had the pleasure of seeing Mr. Castillo Lanzas, at the Salboniere Hotel, Leicester square, where I used frequently to dine until I left for Mexico; after which I never saw him until 1853, I think, when he came back to London.

The last time I saw him was at the latter end of February, or beginning of March, 1854, when he signed my passports, on my leaving for Mexico.

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In 1854 he was Minister from Mexico. I knew it because he was the man that had to sign my passport.

Q. 3. Do you know whether he was Minister, Secretary of Legation, or Consul.

A. I know positively that he was the Representative of Mexico; I don't know anything about the title of his office.

Q. 4. Where is that passport now?

A. I had it until I arrived in Mazatlan, in November, 1854, where the authorities kept it back, and gave me another document, which I believe is among my papers.

Q. 5. How was that document signed?

A. I think it was simply "Castillo Lanzas."

Q. 6. Mention the names of some of the persons, with whom you are best acquainted here?

[Question objected to by Mr. Peachy, as irrelevant.]

A Daniel Gibb, Camillo Martin—who is, I think, the Spanish Consul—F. Sanjurjo, John Parrott, B. Davidson, Nicholas Larco, Henry Hentsch—by sight, Judge Hoffman—because he used to belong to the same club.

Cross-examination waived.

L. PONTON DE ARCE.

Sworn to and subscribed this 23rd of September, A. D. 1859, before me.

W. H. CHEVERS,
U. S. Commissioner.

Filed September 23, 1859.

W. H. CHEVERS, Clerk.

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# DEPOSITION OF SAMUEL HEAD.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Sept. 23, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c., &c., came Samuel Head, a witness produced on behalf of the United States in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: Mr. Randolph, for the United States, and Mr. Peachy, for the claimant.

Questions by Mr. Randolph.

QUESTION 1. What is your name, age, place of birth, and present place of residence?

ANSWER. My name is Samuel Head; my age is 42 years; I was born in Bristol, Pennsylvania; my present residence is in San Francisco.

Q. 2. What is your employment?

A. Superintending sewing machines, making grain sacks—sewing.

Q. 3. Where were you living between the years 1833 and 1837?

A. In Philadelphia.

Q. 4. At what place, and in what business?

A. I was in my father's house, the Mansion House Hotel, on Third street, between Walnut and Spruce. I was then 'tending to the office in the house.

Q. 5. During that time did you see this witness, and where?

A. I saw him at my father's house where he had a room and was boarding; the length of time he was there I cannot recollect.

Q. 6. Do you remember at that time to have heard his name; if so, what was it?

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A. I do remember the name distinctly; it was Mr. Castillo. I remember very distinctly that the Yturbide family (with whom I was very intimate) used to converse very frequently in my father's sitting-room with Mr. Castillo, whom I remember very well from a mark on his face.

Q. 7. How long have you resided in this city?

A. I arrived in San Francisco July 3d, 1849; have been absent part of the time; I have made it a general residence for some five or six years.

Q. 8. Mention the names of some of the persons with whom you are best acquainted?

A. Capt. J. B. Thomas, M. R. Roberts, F. W. Macondray, Wm. H. Jones, James H. Gardner and Joseph C. McKibbin.

Cross-examination waived.

SAMUEL HEAD.

Sworn to, and subscribed this 23d day of September, 1859, before me.

W. H. CHEVERS,
U. S. Commissioner.

Filed Sept. 23, 1859.

W. H. CHEVERS, Clerk.

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EXHIBIT SANDWICH ISLAND PAPER, W. H. C.

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# THE POLYNESIAN.

Vol. 3.] Honolulu, Saturday, July 25, 1846. [No. 10.


(PAGE 37.) * * * * * * * * * *

[For the Polynesian.

## CALIFORNIA MINES.

HONOLULU, July 20, 1846.

MR. EDITOR:—I have great pleasure in forwarding to you for publication, the accompanying letter from Thomas O. Larkin, Esq., U. S. Consul at Monterey, which I have no doubt will be read with much interest.

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I send you also a specimen of the precious ore therein mentioned, for the inspection of the curious.

I am, sir, your obedient servant,

G. P. JUDD.

J. J. JARVES, Esq., Ed. Polynesian.

—

CONSULATE OF THE U. S. OF AMERICA,
Monterey, California, June 24, 1846.

SIR:—I have the pleasure of forwarding to you a specimen of California quicksilver ore, from a mine 70 miles north of Monterey and 10 miles from the pueblo of San José, discovered in 1845 to have quicksilver in it. The place was well known for eighteen years, and supposed by the Californians to be a silver mine, they having, in 1828, with some foreign quicksilver, extracted the other metal. In 1845, a Mexican, being in the vicinity, heard that the mountain contained rock different from any other; he went to examine it, and immediately denounced the place before the nearest Alcalde, and then made known what it contained.

The owner, with a priest, in a small and imperfect manner, has commenced extracting the metal. The mine is on the top of a steep mountain, a mile or more from the plain, to which it is brought down on mules, then piled up and a whaler's try-pot covered over it, well cemented with clay, some six or eight cords of firewood placed over it and fired, and in 14 or 16 hours the quicksilver is extracted, being found below in a small wooden tank of water. Though much of the rock is thrown away afterwards that has not been well heated, they obtain 15 per cent. of the metal.

The specimen I send can be proved by dropping a single pinch of the pounded rock (the red is preferable) on a red-hot iron, holding a tea cup over it one or two minutes in such a manner that the vapors shall be caught, then with the fingers rub the smoke on a piece of silver money; or, with the finger, for five minutes, rub all the smoke together, which produces at first hundreds of almost invisible globules, brought by contact into one globule of quicksilver.

*Second Operation.*—Take a tube—a common gun-barrel, air tight, is very convenient—fill it with the ore, pounded to the size of beans, to within four or six inches of the end, which end immerse in a pot of water, with a plate to catch the production—keep the gun-barrel red hot for 30 or 40 minutes, and from the condensed vapors you have from 20 to 30 per cent. of quicksilver. Should the latter be dirty, from the ashes fall-

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ing into the water, strain it through a silk handkerchief. On receiving the ore, should it be dirty from its own dust, wash it. When dry, the quicksilver can be discovered without a glass. The yellow part of the rock is the least valuable. Care should be taken that the vapor does not exhale in the mouth, thereby producing salivation.

Mines of pure sulphur, and mines of lead, copper, silver and gold have been lately discovered in California, but not one is yet in operation. I am, with the highest respect,

Your most obedient servant,

THOMAS O. LARKIN.

G. P. JUDD, Esq., Minister of Finance, Honolulu, Oahu.

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The undersigned has the honor to forward to the Department the following information respecting the mines of California, most of them discovered within six or nine months. For many years previous to this, the inhabitants have supposed the places in question contained metal of some kind. Ninety miles (by sea) south of San Diego there are some very extensive copper mines belonging to Don Juan Bandini.

[Page 38.]

The undersigned is informed by Don José Rafael Gonsales, that on his ranch, 60 or 80 miles south of Monterey, there are coal mines. At San Pablo, in the Bay of San Francisco, there are others. At the Mission of San Juans', 25 miles north of Monterey, there are sulphur beds or mines. Fifty to eighty miles north of Monterey, there is said to be several silver mines. There are several places throughout California where the people obtain bituminous pitch to cover the roofs of their houses; some make a floor of it by mixing earth with it. At these places rabbits, squirrels and birds often get half buried in the pitch, and soon die; even horses and horned cattle are lost there. A few miles north of Santa Barbara the sea for several miles upon the coast is colored by the pitch oozing from the banks. Five or six miles from the town of San José and near the Mission of Santa Clara, a mountain of quicksilver ore was discovered by Don Andres Castillero (of Mexico) in 1845, which the undersigned has twice seen produce twenty per cent. of pure quicksilver, by simply putting the pounded rock in an old gun-barrel, one end placed in the fire, the other end in a pot of water for the vapor to fall into, which immediately becomes condensed; the metal is then strained through a silk handkerchief. The red ore produces far better than the yellow. There appears no end to the production of the metal from the mountains.

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Working of the quicksilver has but now commenced under great disadvantages from not having any of the materials generally used in extracting that metal. Near the town of Sonoma, about sixty miles from the entrance to the Bay of San Francisco, there are other mines, the rock or ore of which appears of a grayish cast, and is said to be equal to the others. Near the same town there are sulphur mines. The piece the undersigned has in his possession is perfectly pure, without rock or dust mixed with it. At the same place is said to be lead mines. Some Indians have brought a blanket full of lead ore to the Mission of San Juan, refusing to tell from whence they brought it. On the ranch of Capt. Richardson, one side of the entrance to the Bay of San Francisco, there is a lead mine. The undersigned has two or three pounds said to be from that Rancho. This is full of pebble stones, which when taken out by a nail or knife, left the lead entirely pure, and indented similar to a honeycomb.

Twenty miles from Monterey, there is a mine of silver and lead, which has been taken out but not extracted. There is also said to be black lead in the country. At San Fernando, near San Pedro, by washing the sand in a plate, any person can obtain from one to five dollars per day of gold that brings $17 per ounce in Boston. The gold has been gathered for two or three years, though but few have the patience to look for it.

On the southeast end of the island of Catalina there is a silver mine from which silver has been extracted. There is no doubt but that gold, silver, quicksilver, copper, lead, sulphur and coal mines are to be found all over California, and there is equally as much doubt whether under their present owners they will ever be worked. The Indians have always said there was mines in the country, but would not show their location, and the Californians did not choose to look for them.

By the laws and customs of Mexico respecting mining, every person or company, foreign or native, can present themselves to the nearest authorities and denounce any unworked mine. The authorities will then, after the proper formalities, put the denouncer in possession of a certain part or all of it, according to the extent of the mine. The possessor must thereafter occupy and work the mine, or some other may denounce against him. In all cases the Government claims a certain portion of the products.

Up to the present time there are few or no persons in California with sufficient energy and capital to carry on mining. A Mexican officer of the army, a padre and a native of New York are, on a very small scale, extracting quicksilver from the San José mines.

I remain, &c. &c.

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## NOTICE OF MOTION BY U. S. TO CLOSE PROOFS.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO. No. 420.

SAN FRANCISCO, Oct. 3, 1859.

GENTLEMEN:—Please take notice that at 11 o'clock, A. M., on Saturday next, the 15th day of October, inst., or as soon thereafter as counsel can be heard, I shall move the Court for an order closing the proofs in this case, and fixing a day for the final argument thereof. Yours, &c.,

TULLY R. WISE,
Acting U. S. Attorney.

Messrs. Peachy, Billings & Yale, Attorneys for Claimant.

Rec'd copy within, this 13th Oct., 1859.

A. C. PEACHY,
Attorney for A. Castillero.

Filed Oct. 19, 1859.

W. H. CHEVERS, Clerk.

## ORDER DENYING MOTION TO CLOSE PROOFS.

At a stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court House, in the City of San Francisco, on Wednesday the 19th day of October, in the year of our Lord one thousand eight hundred and fifty-nine,

Present: The Honorable OGDEN HOFFMAN, District Judge.

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THE UNITED STATES
*v.*
ANDRES CASTILLERO. } No. 420.

And now at this day, upon notice of motion to the opposite party, Mr. Randolph, of counsel for the Government in this cause, moves the Court for an order closing the proofs herein, and fixing a day for the final argument thereof; and the said motion having been argued by Mr. Randolph for the U. S., and Mr. Peachy for the claimant, and due deliberation being had in the premises, it is now here Ordered by the Court that the said motion be, and the same is, hereby denied.

Filed Oct. 19, 1859.

W. H. CHEVERS, Clerk.

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## ORDER ALLOWING CLAIMANT TO TAKE DEPOSITION OF PIO PICO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO. } On appeal from U. S. Land Commission.

On motion of A. C. Peachy, the Claimant's Attorney, it is Ordered, that the claimant have leave to take the deposition of Pio Pico, late Governor of the Department of Californias, in this case.

San Francisco, 19th October, 1859.

OGDEN HOFFMAN,
District Judge.

Filed Oct. 19, 1859.

W. H. CHEVERS, Clerk.

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# DEPOSITION OF CASTILLO Y LANZAS,

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Sept. 2, 1859.

On this day, before the District Court of the United States for the Northern District of California, came Joaquin Maria de Castillo y Lanzas, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: Mr. Peachy, of counsel for claimant, and Mr. Sloan for the United States.

Questions by claimant's counsel.

QUESTION 1. What is your name, age, and residence?

ANSWER. My name is Joaquin Maria de Castillo y Lanzas; I am fifty-seven years of age; I reside in the city of Mexico.

Q. 2. Where were you born?

A. In the city of Jalapa, department of Vera Cruz.

Q. 3. Where were you educated?

A. Mostly in England—partly in Spain.

Q. 4. What public employments have you held?

A. They have been so many and various during the thirty years that I have been in public life, that I suppose it will suffice to mention the principal. Almost on starting in public life, I was appointed, what you may call in English, leading clerk of the most important section of the Ministerio de la Guerra. My title was "Gefe de la Seccion Central y de Reserva." I was afterwards private secretary to Gen. Santa Anna and Gomez Pedraza, to the latter, during his term of office as President; I was Prefect of the district of Vera Cruz, Charge d'Affaires to the United States, and Minister Plenipotentiary to England; twice Prime Minister, *i. e.* Minister of Foreign Affairs; and for a few days *ad interim* Minister of Finance. I was twice elected to the General Congress, and twice appointed Counselor of State; and finally, Intendent of

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the Navy—in which character I have retired from service. I have held other commissions of less importance, which I have omitted.

Q. 5. When were you Charge d'Affaires to the U. S.?

A. From 1833 to 1837—four years.

Q. 6. When Minister to England?

A. From 1853 to 1856.

Q. 7. When were you Prime Minister?

A. In 1846 the first time, and the last time during this last year.

Q. 8. When did you arrive in San Francisco, and with whom?

A. I arrived May 14, 1859, in company with Messrs. Barron, Billings, Negrete, Bassoco, Balcarcel, Professor Castillo, Mr. Villalon, Mr. Yrisarri, Miranda, Velasco, and my son Francisco.

Q. 9. Were you acquainted with any of those gentlemen in Mexico?

A. With some of them: with Mr. Bassoco for many years; with Mr. Velasco since 1846, when I knew him in the Ministerio de Relaciones. Except Mr. Negrete, I knew none of the others personally. I knew the others by sight, except Messrs. Miranda and Villalon, whom I did not know.

Q. 10. Are you acquainted with Messrs. Segura and Flores, former members of the Junta de Mineria?

A. I have known them both personally for some years.

Q. 11. Were you acquainted with Mr. Becerra, Minister of Justice in 1846?

A. Very well. We were intimate and private friends.

Q. 12. When did he die?

A. I don't recollect the year. I think I was not in Mexico at the time. I am not sure, however.

Q. 13. What office did he hold at the time of his death?

A. He was Bishop of Puebla.

Q. 14. Was he in holy orders when he was Minister of Justice in 1846?

A. He was.

Q. 15. Do you remember when and where you last saw him?

A. In Puebla—on one of my journeys up and down the coast; I don't exactly recollect in what year.

Q. 16. Are you acquainted with his signature and handwriting?

A. With his signature I am. I have seen him write, but am not well acquainted with his handwriting.

Q. 17. Examine the document now shown you, marked "Exhibit Bassoco No. 7, O. H." and state whether you have

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compared it with its original; when, where, and in what manner was the comparison made, and is it a faithful copy of the original?

A. I compared it on the 6th April last with its original, in the office of the Junta de Mineria. The original was read verbatim, while I held this in my hand and followed the reading, and then the copy was read while I followed with the original in my hand.

The traced copy was placed above the original and found to be exactly identical?

Q. 18. Are you acquainted with any of the persons whose handwritings and signatures appear on the original expediente; do you know said handwritings and signatures, and how do you know them?

A. I am acquainted with Messrs. Tornel, Becerra and Segura. I know the signatures of Messrs. Tornel and Becerra. I have frequently seen them write, but cannot identify their handwriting. I have seen them sign their names frequently.

Q. 19. On what papers of the original did you find the signatures of Messrs. Tornel and Becerra?

A. I found the signature of Mr. Tornel in his official communication as Director of the College of Mineria to the President and vocales of the Junta de Fomento de Mineria, dated April 29, 1846. The copy of this communication is found on pages numbered 5, 6 and 7 (in red ink) of this Exhibit.

I found Mr. Becerra's signature in his official communication as Minister of Justice to the President of the Junta de Fomento, dated May 9th, 1846, which is found on page 10 (in red ink) of this Exhibit.

His signature I also found in another official communication to the same person, dated 20th May, 1846, which are on pages 23 and 24 (in red ink) of the same Exhibit. I do not know with certainty any other handwriting or signature.

Q. 20. Look at the document now shown you, marked "Exhibit Bassoco No. 8, O. H." and answer the same question.

A. I compared it with its original in the Ministerio de Justicia on the 29th March, 1859. It must have been in the Ministerio de Gobernacion. No, I am again mistaken; it was in the Ministerio de Relaciones. There were three documents compared—one in the Mineria, one in the Relaciones, and one in the Gobernacion. This document, I am certain, is the one I compared in the Relaciones. The comparison was made precisely as I have stated with regard to the last document. I found it to be a faithful and exact copy.

Q. 21. Are you acquainted with any of the signatures or handwritings of the original of which this is a copy?

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A. I am not, with any of them.

Q. 22. Look at the document now shown you, marked "Exhibit Bassoco No. 9. O. H." and answer the same questions as before.

A. I compared it with its original in the Ministerio de Gobernacion, on the 29th March, 1859. The comparison was made precisely in the manner already described. I found it to be an exact copy of the original.

Q. 23. Are you acquainted with any of the handwritings or signatures of the documents in the original expediente?

A. My impression is that the writing, the copy of which is on page 1 (in red ink) of this Exhibit, is that of Mr. Quintanar. He was an empleado of the Ministerio de Relaciones in 1846, when both branches were united; I think he is dead. The handwriting of the marginal note, or membrete, a copy of which is on page 2 (in red ink) of this Exhibit, is that of Mr. Monasterio. He was Oficial Mayor of the Ministerio de Relaciones in 1846.

The rubric attached to this membrete is my own.

The handwriting of the membrete, a copy of which is on page 7 (in red ink) of this Exhibit, is, I think, that of the same Quintanar. The marginal note, or acuerdo, a copy of which is on page 8 (in red ink) of this Exhibit, is in my own handwriting, and the rubric attached to it is my own. The document, on the margin of which the acuerdo is written, is an official communication from the Minister of Justice to the Minister of Relaciones y Gobernacion, dated May 20, 1846. This document bears the genuine signature of Mr. Becerra. I recognize Mr. Quintanar's handwriting again, in the minuta on page 10 (in red ink) of this Exhibit. This minuta is dated May 23, 1846.

Q. 23*a*. In the original, of which this Exhibit Bassoco No. 9 is a copy, there is a document purporting to be an official communication addressed by Pio Pico, Governor of the Department of Californias, to the Minister of Exterior Relations, dated Angeles, February 13, 1846. Do you remember to have received that communication, or anything about its contents?

A. I remember to have received a communication from Gov. Pio Pico; the contents were the same in substance as this. I cannot precisely recollect, after so many years, its language.

Q. 24. Do you remember anything about the matters mentioned in that letter?

A. I recollect to have received the communication to which it refers, and the quicksilver of which it speaks—which came in a small bottle;—all this I recollect perfectly well.

Q. 25. What did you do with that sample?

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A. It stood on my desk for some time, and I availed myself of the first opportunity to deliver it to the President, General Paredes.

Q. 26. Do you remember when, and under what circumstances you delivered it?

A. On the first opportunity. I don't recollect whether any one was present.

Q. 26*a*. Examine the document now shown you, purporting to be an original communication from Castillo Lanzas to the Governor of the Department of Californias, dated Mexico, May 23d, 1846, and directing the said Governor to put Andres Castillero in possession of two square leagues of land;—say in whose handwriting is the body of said communication, and whose the signature to the same; and when was the said document signed?

A. The handwriting is that of Mr. Velasco, a subordinate officer of the Ministerio de Relaciones, to which Ministerio he is still attached. He is now in this city. The signature is my own. The document was signed either on the day of its date, or at most a day later.

Q. 27. Why can you not speak with certainty as to the very day on which you signed it?

A. Because, although documents used generally to be signed on the very day of their date, sometimes the minuta would be written out at a late hour one day, and the official communication would be written and presented for signature on the next.

Q. 28. Have you any other reason for supposing that said document might possibly not have been signed on the 23rd May 1846?

A. No, sir; no other reason occurs to me.

Q. 29. Do you remember to have received the communication from Becerra, dated May 20th 1846, a copy of which is found on pages 8 and 9 (in red ink) of Exhibit Bassoco, No. 9, O. H?

A. The remembrance of having inscribed this communication to the Governor of California, on the 23rd of said month and year, brings with it naturally the remembrance of having received it.

Q. 30. Will you state what you remember of the business relating to Castillero's discovery in California which was transacted in the Ministry of Relaciones, in the year 1846. I mean what recollection you have of it, independent of your inferences from documents you may have recently seen in relation to it.

A. I must beg leave to state, in the first place, for the sake

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of a clear explanation of the subject, that this did not appertain to the Ministerio de Relaciones, as that department only embraces exterior affairs, but to the Department de Gobernacion which comprehends all interior affairs of the country; though in 1846 both departments were united, and formed only one Ministerio.

As Minister of Gobernacion I remember having received the communication from the Governor of California, of the 13th February, 1846, of which mention has been made before, as well as the communication, to which it refers, of Don Andres Castillero, and the sample of quicksilver; and of having had conversations upon the important discovery of the mine of New Almaden with the person who, I think, was the same that delivered to me said communications and sample; and although much of what was said on that occasion must have been said, too, when I delivered the sample to General Paredes, I cannot say now that I recollect the precise conversation I had with him on the matter.

Q. 31. Do you remember who delivered the letter from the Governor of California, and the sample of quicksilver?

A. From the purport of Governor Pico's communication, I should infer that it was Mr. Covarrubias, and that has been frequently repeated to me in Mexico; but I have no distinct recollection of it myself.

Q. 32. Do you know Mr. Covarrubias.

A. I do not.

Q. 33. Do you remember whether any person of that name from California was in the city of Mexico in 1846.

A. I do not.

Q. 34. Do you remember, whether, in 1846, a commissioner was sent from California to the capital on public business?

A. I have a vague idea of it, though not a distinct recollection. Perhaps, was I to see Mr. Covarrubias again I might recognize him.

Q. 35. After the communication of the 23d of May, 1846, addressed by you to the Governor of California (I mean that communication which you have said is in the handwriting of Mr. Velasco, and which directs the Governor of California to put Andres Castillero in possession of two leagues of land) was signed by you, what did you do with it?

A. As all the documents for signature were brought together, they were withdrawn again by the same empleado who presented them for signature, to be closed and dispatched according to destination. I speak of the practice of the office when I was Minister; consequently I don't recollect having done anything more than sign it.

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Q. 36. Do you know Andres Castillero?

A. Yes, sir.

Q. 37. When did you first make his acquaintance?

A. I was introduced to him in Mexico, a short time before leaving that capital for California; though I have some faint notion of having known him before, in 1846.

Q. 38. What do you mean by a "membrete" on a communication, and by what an "acuerdo?"

A. I understand by a membrete the marginal note in official communications for the purpose of indicating the particular subject to which they refer; and by acuerdo, I understand the resolution of the Government on the subject.

Q. 39. Is either signed; if so, in what manner?

A. The acuerdos have the rubric of the Secretary of State, or Minister to whose department the subject corresponds.

The membrete is not signed; an acuerdo may or may not be final or definitive. It sometimes calls for a digest of the communication referred to. In such cases an extract is made of it, and submitted to the Minister. It sometimes calls for the antecedents; *i. e.*, for information as to the previous proceedings in the affair.

The decisive or last acuerdo would not in such cases come in until after these preliminary acuerdos.

Q. 40. State the character of the two marginal notes on the original document, a copy of which is found on pages 10 and 11 of Exhibit Bassoco No. 8, O. H., purporting to be an original communication from the Junta de Fomento to the Minister of Justice, dated May 14th, 1846, inclosing and recommending certain propositions of Andres Castillero.

A. The first is a membrete or marginal note, and the second an acuerdo.

Q. 41. Did you examine the rubric on the said original acuerdo, and do you know whose it is?

A. I must have seen the original, for I compared the documents in Mexico; I did not examine it with the view of ascertaining whose it was.

Q. 42. Are you acquainted with the handwriting and signature of J. Miguel Arroyo?

A. I am acquainted with his handwriting and signature; but I should state that I seldom or never recognize rubrics unless accompanied by signatures.

Q. 43. Examine the certificates affixed to the Exhibits Bassoco No. 1, O. H., Bassoco No. 5, O. H., and so on up to and including Bassoco No. 12, O. H., and say if you know the signatures to any of them, and what offices the persons held at the time of signing; and say, further, if you are acquainted with any of the seals affixed to the said certificates.



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A. I know Mr. Arroyo's signature, and the two seals affixed to the certificates on Exhibits Bassoco No. 1, Bassoco Nos. 5, 6, 7, 8, 9, 10, 11, and 12, respectively.

His signature attached to the certificates on these documents, respectively, is his genuine signature, and the two seals on each of said certificates are the seals of the Ministerio de Relaciones —except that on Exhibit Bassoco No. 11, only one seal is affixed; this is a seal of the Ministry of Relaciones.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
Clerk.

—

SAN FRANCISCO, Sept. 3, 1859.

Examination resumed.

Present: Mr. Peachy for claimants, Mr. Sloan for United States.

[The witness states to the Court that in the published deposition he has observed errors, which he desires to correct.

The Court informs the witness that the only authentic record of his testimony is the deposition reduced to writing by the Judge, and to be signed by himself; and that at the close of his direct examination, said deposition will be read over to him, and an opportunity afforded to make any corrections or explanations he may desire.]

Q. 44. What office did J. Miguel Arroyo hold at the date of those certificates?

A. He was Oficial Mayor of the Ministerio de Relaciones.

Q. 45. Examine the documents now shown you, being Exhibits "G, H, I, K, and L," filed by the defendants with their answer in the suit of the United States *vs.* John Parrott *et al.*, on the Equity side of the United States Circuit Court for the Districts of California; and say if you know the signatures and seals of the certificates affixed in authentication of said documents.

A. The only one of these signatures which I can state I positively know, is that of Mr. Arroyo. His signature is genuine wherever it occurs in these certificates. The seal is that of the office of the Ministry of Relaciones.

I find also on one of the certificates the signature of Mr. Velasquez de Leon. His signature I know very well, and the signature attached to the certificate is his genuine signature. I also recognize his signature on the certificates attached to Exhibits Bassoco Nos. 10 and 11. I overlooked these yesterday,

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being under the impression that I was only asked with reference to Mr. Arroyo's signature. Mr. Velasquez de Leon is Director of the College of Mineria.

Q. 46. What office did Mr. Arroyo hold, at the dates of the certificates to the Exhibits in the chancery suit?

A. He was Oficial Mayor of the Ministerio de Relaciones.

Q. 47. While you were last Minister of Relations, were you requested to authenticate copies of various documents in the public offices of Mexico, relating to the Almaden mine, with the great seal of the Republic?

A. I was.

Q. 48. Who made the request?

A. Messrs. Eustace Barron and Castillero.

Q. 49. What reply did you make? if it was in writing, and you have it, please produce it.

A. It is here, in its original form; this is the identical letter signed by me at the time.

[Document offered in evidence, marked Exhibit Castillo Lanzas No. 1, O. H.]

Q. 50. In this reply I perceive you state that the uses to which the great seal may be put are defined by law, and do not embrace the authentication of copies of public documents; and you state also that the authentication of such documents is provided for by law; can you refer me to those laws?

A. The law which defines the uses to which the great seal may be put, is the decree of General Santa Anna, as President, of the 20th June, 1853. It is to be found in a collection of laws, made by Juan R. Navarro, and on page 414 of the volume which contains the laws from April to July, 1853.

I think there is also a reglamento on the subject, which exists in the Cancillaria of the Ministry; although I do not remember its date.

The law which prescribes the mode of authenticating such documents for the Exterior, is the Decree of General Santa Anna, as President, dated October 28th, 1853, to be found in the succeeding volume of the same collection, on pages 282, 283 and 284. These volumes purport to be printed by authority.

Q. 51. Who succeeded you as Minister of Relations in 1846?

A. Mr. Pesado.

Q. 52. Who succeeded him?

A. I think Mr. Lafragua.

Q. 53. Are you personally acquainted with Mr. Lafragua?

A. Yes, sir; and have been for many years.

Q. 54. Do you know anything of a report made by him to the Constituent Congress in 1846?

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A. It is a voluminous work, which I have had in my hand several times since the year 1848 or 1849, if I recollect right; I mean the printed copy of it.

Q. 55. Where were you in the years 1848 and 1849?

A. I was in Mexico until about the middle of 1849. I then went to Europe; I remained there, on that occasion, until between the middle and latter end of 1850.

Q. 56. Can you say whether you saw a copy of Mr. Lafragua's Report before you went to Europe on that occasion?

A. I have scarcely any doubt of it—since, as I before stated, I think it was either in 1848 or the beginning of 1849 that I saw it.

Q. 55*a*. If you were now to see a copy of that report, could you recognize it, as being similar to the one you think you saw in 1848 or 1849?

A. I could, without the least hesitation.

Q. 56*a*. Examine Exhibit Bassoco No. 3, O. H., which purports to be a copy of that report, and say whether it is similar to the one of which you have spoken.

A. It is similar in every respect. On examining this document, I am reminded that between Mr. Pesado and Mr. Lafragua Mr. Rejon was Minister.

Q. 57. What are the general features which enable you to say that this copy is similar to the one you saw?

A. The form, size, and general appearance; the matters to which the chapters refer, and some of the documents contained in the latter part of the volume, which I recognize as written by myself.

Q. 58. In the communication of the 20th May, 1846, signed by Becerra, and addressed to you as Minister of Exterior Relations, there is inserted a copy of the communication of the same date, from Mr. Becerra to the President of the Junta de Fomento, and in the communication which you addressed on the 23d May, 1846, to Pio Pico, Governor of California, there is inserted a copy of Mr. Becerra's communication to you, so that your letter to Governor Pico contains copies of Mr. Becerra's letter to the President of the Junta de Fomento, and of his letter to yourself as Minister of Relations. Is such an involved style of correspondence usual between Mexican officials; and if so, for what purpose is it practiced?

A. It is usual in such cases as the subject requires it, and is practiced for the sake of clearness and good order in the dispatch of business. There are certain matters which call for the action of more than one of the Ministerios, although one of them is the principal one in each particular case. But in communicating the orders of the President to each one of the others

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concerned, all the circumstances must be mentioned, so that the action of each Ministerio may be properly directed.

In the present case, for example, it was necessary that the Minister of Justice, to whose Ministry the College of Mineria corresponds, should state fully the circumstances of the case in order that the Ministerio de Relaciones might give the proper orders to the Governor of California, since the Minister of Justice is not authorized to transmit orders to Governors, as the Ministry of Relaciones could not transmit orders to the College of Mineria. By this means one complete expediente is formed, and other partial expedientes in the other Ministerios, and all these connected together, contain a perfect history of any particular case.

Q. 59. In this case, which do you regard as the principal expediente?

A. It may be considered in two points of view—under one of which the principal expediente would be the one formed in the Junta de Mineria; politically considered, the principal expediente would be the one formed in the Ministerio de Gobernacion.

Q. 60. Why would not the expediente formed in the Ministry of Justice be the principal one, inasmuch as Castillero makes certain propositions, involving among other things the confirmation by the Supreme Executive of the extraordinary number of pertenencias which had been granted to him by the local authorities in California, and also a grant of two leagues of land in colonization on his mining possession, which confirmation and grant would be made by means of the Ministry of Justice, through whom the President would act on those matters.

A. In my opinion the Minister of Justice merely directed, according to the determinations of the President, the action of the Junta de Mineria, where all the principal part of the business, as far as that branch was concerned, was transacted; and it is for this reason that I consider that the principal expediente, under this point of view, must have been the one formed in the Mineria.

Q. 61. But the Junta de Mineria merely recommended to the Supreme Executive the confirmation of Castillero's mining possession; and, as regards the petition for a grant of two leagues, referred the Government to information within its reach, and did not claim that power itself to make such confirmation or grant. Therefore, if such confirmation or grant was made, must it not have been made by the Supreme Executive, and must not his will have been communicated through the Minister of Justice?

A. Yes, sir; and that confirms what I said before, that the

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orders of the Executive were communicated through the Ministerio de Justicia; but it must be observed that the execution of some of the most important of these orders was entirely confided to the Junta de Mineria, and this demanded on their part some labor and some extensive documents.

Q. 62. The execution of what part of the President's order was confided to the Minister of Relations and Gobernacion?

A. That merely which had reference to the political authorities in the Californias.

Examination adjourned until Monday, Sept. 5, 1859.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, Sept. 5, 1859.

Examination resumed.

Present: Mr. Peachy, for claimant; Mr. Randolph and Mr. Sloan, for the United States.

Q. 63. When was the department of Gobernacion separated from that of Relaciones?

A. I do not recollect in what year it was; I think it was done during one of my absences from the Republic. When I came back, I found it done, and did not inquire.

Q. 64. State what compensation you have received, or are to receive, for coming from the city of Mexico to San Francisco.

A. I have received four thousand dollars on one part; and not being able to collect the value of a credit that I had against the Public Treasury for some ten thousand and odd dollars, on account of having to leave the capital, the amount was cashed in my favor by Mr. Eustace Barron, he taking upon himself the chances of being reimbursed from the public Treasury.

This amount was due me for diplomatic services.

[The foregoing deposition having been read over by the witness, he makes the following corrections:

1. In his answer to question 4, he states that the first clause should read "during *more* than thirty years," as he has been in public life more than thirty years, and so stated in reply to the question.

2. In reply to question 9, he states that he knew Professor Castillo personally, as well as Mr. Negrete; and that the name of Mr. Yrisarri should be substituted in the last clause for that of Mr. Villalon, as he did know Mr. Villalon by sight.

3. In his answer to question 11, he wishes to substitute the word "particular" for the word "private."

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4. In his answer to question 23, he desires to substitute the word "acuerdo" for the word "membrete," in the first two places where the latter word occurs in said answer.

5. In his answer to question 50, he states that his answer was, that there was "another decree and reglamento," and not merely a reglamento; but that he does not remember their dates.

6. In his reply to question 58, he states that the word "corresponds" should be "corresponded"; for the College of Mineria does not now correspond with the Ministry of Justice, although it did so in 1846.

Also, that the deposition should read "as the Minister of Justice *was* not authorized to transmit orders," etc.; the intention of the witness being to refer to what the Minister of Justice was authorized to do in 1846.]

J. M. DE CASTILLO Y LANZAS.

[Rubric.]

Subscribed before me this 5th day of September, A. D. 1859.

OGDEN HOFFMAN, Dist. Judge.

—

SAN FRANCISCO, CAL., August 9, 1859.

CROSS EXAMINATION.

Present: Mr. Peachy, for claimant; and Messrs. Randolph and Sloan, for the United States.

Q. 65. Why do you testify in English?

A. Because, as that is the language spoken in this country, and consequently in this court, and not finding difficulty in expressing my ideas in it, I thought it would be preferable, besides the amount of trouble which I considered it might save.

Q. 66. Of course you speak Spanish better than you do English, do you not?

A. Such may be the case, but I could not take it upon myself to decide it.

Q. 67. Can you not take it upon yourself to decide whether you speak your mother tongue better than you do a foreign tongue?

A. I certainly cannot, with respect to the English language.

Q. 68. Spanish is your mother tongue, is it not?

A. It is.

Q. 69. At what age were you carried to England?

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A. I think it was when I was about eight years of age.

Q. 70. Are you in any part of English descent?

A. No, sir.

Q. 71. In what part of England were you educated?

A. In Stonyhurst College, Lancashire; Old Hall Green, Hartfordshire, and in the University of Glasgow, Scotland.

Q. 72. About what length of time did you remain at each of those places respectively, and in what years?

A. I was four years in the first College, two in the second, and two in the University. I don't recollect the dates.

Q. 73. Did you enter Stonyhurst College immediately on your arrival in England, at eight years of age?

A. Very shortly after my arrival in London, as well as I can recollect, having been detained previous to that a short time in Cadiz on account of the French bombardment.

Q. 74. From these data tell me about what years you were a student at Stonyhurst College?

A. I don't really recollect, tho' I imagine it must have been from some time in 1809, or the beginning of 1810.

Q. 75. Can you not state with much confidence what those years were which followed immediately after you were eight years of age, more than imagination?

A. I cannot, sir; because I never burthened my memory with dates even in things less trivial.

Q. 76. As this must have been your first entrance into a college, and as it was in a foreign country, do you not regard it as one of those trivial things of youth which is more likely to impress itself on the memory than the important events of later years?

A. I must say in answer to this question, that, even regarding those important events, I am very much afraid I should find my memory faithless in point of dates, were I to trust to it.

Q. 77. Do you consider that your memory for dates is very unusually bad?

A. In point of dates it certainly is not good.

Q. 78. Have you not observed that most persons, of intelligence at least, when called upon to state the years they have spent at their first school, can, with a little reflection, give them with great accuracy and confidence?

A. I am thankful for the compliment; but I must beg leave to observe that although I can state, in general terms, as I have done, the years I have employed in my education in England, it would be impossible for me to do so with that nice accuracy which I may envy in others, but certainly do not possess.

Q. 79. Please observe that my question has not called for

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nice accuracy, but that I have asked you about what years you were at Stonyhurst College; and with this explanation please answer my question again.

A. In employing the qualifying term "nice," I did so, not in the sense in which the question was put to me, but in the sense in which I considered that very answer should be given to express my own idea, derived from the pleasure which the possession of that accuracy in others produces in my mind.

Coming back to the question, I beg that it may be read again to me, that there may be no mistake on my part.

[The last question is read to the witness.]

I have answered that, saying what I recollected on the subject.

Q. 80. What was the organization of Stonyhurst College, at the time that you were there?

A. I cannot say that I could take it upon me to say anything on the subject. It could scarcely be expected, at my age, to fix the attention on such unimportant things.

Q. 81. As you were there during the 9th, 10th, 11th, and 12th years of your age, or thereabouts, can you not now recall to your memory how that institution was governed; what was the title of its head or chief officer; whether its affairs were administered by any board, and if so, how they were called; into what classes the studies were divided—or at least some of the classes; who had charge of these classes—whether one or more persons to each class, and how those persons were designated; and other like particulars which concerned your outset in life, and ordinarily so deeply impress themselves on all of our minds?

A. The head of the institution was called President, if I recollect right; there was a Professor for each one of the classes, who derived his title or name from the class over which he presided. Those classes embraced all the branches that are generally understood to be comprehended under the title of liberal education, such as languages, dead or living, sciences, &c.

Q. 82. Then you do remember the organization of Stonyhurst College,—that the head was called President, that your instructors were called Professors. Had these Professors assistants; if so, how were they called; how were the affairs of the institution administered?

A. I recollect so much of the organization of that institution as I have ventured to explain, and no more. The Professors might have been called "masters," as I think was the case, but I am not aware of their having had any assistants. I cannot say a word as to the administration of the affairs of the institution.

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Q. 83. Mr. Peachy and myself, when we were very young, were at a certain college together. Both of us can now tell you how it was organized and administered, in all its details, from the head of the institution down to the bell-ringer; and I have no doubt we will be able to do so seventeen years if we should live so long, when we will be of your age :

Am I to understand that you have no such recollection as to Stonyhurst College ?

[Question objected to because it presents a case different from that of the witness'; Mr. Peachy having entered William and Mary College when he was fifteen years of age, while Mr. Randolph, who entered at the same time, enjoyed the advantage of being somewhat older.]

A. I have no such recollection.

Q. 83. Do you not remember before what functionary cases of a breach of college discipline came up ?

A. I understand it must have been, according to the case, either before the masters or before the President himself.

Q. 84. What do you mean by the expression "I understand it must have been ?"

A. It is a logical consequence of what I before stated, viz., my want of recollection; I cannot affirm what I do not recollect clearly.

Q. 85. Have you no precise and distinct recollection by whom the boys were tried and punished when they violated the rules of the institution ?

A. If I had, I should have stated it, and not said that the other was a logical consequence of my want of recollection.

Q. 86. What was the name of the person or persons who had the immediate charge of your studies in that institution ?

A. The only name I recollect is that of Mr. Browntill.

Q. 87. In what class ?

A. I recollect him in the Latin, and he was in some others which I don't remember.

Q. 88. Was Mr. Browntill called a professor, a master, a tutor, an usher, or what ?

A. I used to know him as Mr. Browntill—nothing more.

Q. 89. During those four years, as your studies progressed, had you not various other teachers; if so, mention the names of all the teachers you had ?

A. I do not recollect the name of any other of the teachers, —though of course I had others,—first in the English language, and afterwards in music and elocution.

Q. 90. Have you not observed that almost every person, even of ordinary intelligence, and whether young or old, remembers the names of all their teachers ?

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A. The fault of memory is no willful fault of mine, but should I at any time have the real pleasure of meeting with any of these gentlemen, I should endeavor to convince them that the want of a good memory, as far as proper names are concerned, does not necessarily bring with it a want of that gratitude and respect which they should ever command from me.

Q. 91. You mean, I presume, that the want of a good memory is not the want of a good heart; but as that is not the object of our present inquiries, I will pass it by, and ask you whether, in not being able to remember the names of your teachers, you are not satisfied that you have a very bad and most unreliable memory?

A. I scarcely think that my words need interpretation, but I do think that I was under the necessity of saying them.

As to my poor memory, what can be said of it more than I myself have said, when I affirmed just now that I could not trust to it, but I hope I have no reason to be ashamed of this.

Q. 92. At Stonyhurst college were there many scholars during those four years?

A. I have always been under the impression that there were from 300 to 400 at that time; but here again, not having a clear recollection of the facts, I will not trust my memory.

Q. 93. Out of so many young persons there must be some who have become distinguished in some manner, and are now living; will you be pleased to mention the names of any such, and where are they now to be found?

A. I do not at present recollect any persons of that character.

Q. 94. In what year did you enter, as a student, Old Hall Green, and during what years did you remain?

A. That I have already answered, when I said that I could not fix the dates.

Q. 95. In order to aid your memory, I will remind you that you went to Stonyhurst college about your ninth year, and remained there four years; now, knowing the year of your birth, cannot you venture with much confidence to tell me about what years you were at Old Hall Green?

A. Notwithstanding the aid which you have kindly endeavored to afford me, sir, I must say I find myself in the same difficulties, with respect to the precise date of my entering Old Hall Green, etc.

Q. 96. You will observe again, that I said *about* what years.

A. Even thus modified, I would not venture to speak with any degree of precision about the dates that the question refers to.

Q. 97. Am I to observe, then, that you have a special infirmity of memory on the subject of dates?

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A. Sir, when I have said that I myself cannot trust to my memory, what more can be said in regard to its infirmity?

Q. 98. Do you remember the organization of Old Hall Green?

A. All I can say is, that to the best of my remembrance it was much about the same as that of Stonyhurst College.

Q. 98*a*. Do you remember the title or style of the head of the institution?

A. I do not.

Q. 98*b*. Do you remember the title, style and number of the instructors who had charge of the different classes?

A. I do not.

Q. 98*c*. Do you remember whether the administration of the college was in the hands of any board; if so, what was its title, and how constituted?

A. Having never had the least knowledge of any of these matters, I certainly could not recollect anything about them.

Q. 99. What were your studies when at Old Hall Green?

A. Latin, French, History, Elocution, Arithmetic and Music.

Q. 100. Do you remember the name of the person or persons who had the immediate superintendence of your studies?

A. I do not.

Q. 101. Do you remember by whom the students were tried and punished for breaches of the college discipline?

A. I do not.

Q. 102. About what year did you enter the University of Glasgow, and about what years did you remain there, as exactly as you are able to answer?

A. I remained there about two years, but cannot say what those years were.

Q. 103. As the University of Glasgow is a somewhat celebrated institution, perhaps you can tell me how it is organized?

A. I can answer much less upon this point than with regard to the other colleges. I merely went to attend the classes, and that I endeavored to do to the best of my power, and taken up altogether with my studies, I did not apply my attention to any other matter.

Q. 104. Did you not remain there two years?

A. I was there in the months during which the University was open in each one of those two years, but not permanently in the city of Glasgow the whole of that time.

Q. 105. Entering at fourteen, and leaving at sixteen, you were there twice as long, and were just as old, as Mr. Peachy and myself were in another college, of which we have spoken, and as to the organization of which we both preserve the precise and accurate recollection of which I have spoken—I mean its organization during the years of 1835–'6.

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Now endeavor to state the organization of the University of Glasgow, during the two years you were there, fully, clearly and exactly.

[Mr. Peachy desires to observe, that his own case is not at all similar to that of the witness, for the reason that he (Mr. P.) was at college five consecutive years; and moreover, the college was located in a small village; the students were in the habit of daily personal association with the Professors, and did not at any time exceed the number of one hundred.]

A. I have already said I could state nothing with reference to that organization; and I beg now to add that I could find no interest in the world in paying attention to it, when my studies were quite enough to occupy my mind entirely.

Q. 106. Who was the head of the University at that time, and by what title was he known?

A. The title was, I think, that of Principal. I don't recollect who he was at that time.

Q. 106. *a.* Into how many branches was the course of instruction in that University divided?

A. I cannot say.

Q. 107. Were there such subdivisions or departments in that institution as colleges.

A. I cannot say.

Q. 108. Were there such things known there as scholarships; if so, what were they?

A. I know nothing about that.

Q. 109. Were there such things there as fellowships; if so, what were they?

A. I repeat my last answer.

Q. 110. How many grades of instructors were there; what were their various titles?

A. Again I confess my ignorance.

Q. 111. By what name were the students known during the first year after their entrance into the institution?

A. I never knew them to have any particular name by which they might be distinguished, unless it were the general term "students"

Q. 112. Did you hear the terms "graduates" and "undergraduates"; if so, what do they mean in that institution?

A. I have heard the names, and that is all I can say on the subject.

Q. 113. Did the students reside in the University?

A. I did not, nor did any of those I was acquainted with. As for the rest, I know nothing about what they did.

Q. 114. Was there any regulation in regard to the dress of the students?

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A. I recollect we used to wear a red gown when we went to the University, and merely while we were in the class-room.

Q. 115. Do you remember no other regulation on that subject?

A. I never knew of any, to my knowledge.

Q. 116. What were your studies in the University?

A. Greek the first year, and logic the second; nothing else.

Q. 117. Who were your instructors in Greek and logic? mention their names, if you please.

A. This time my memory serves me well; I think I may venture to affirm that the Professor of Greek was Mr. Young; and the one of Logic, Mr. Jardine.

Q. 118. What were the full names of these persons?

A. That I do not recollect.

Q. 119. In what manner was the class instructed?

A. The Professor used to point out the lesson, and explain it, in the early part of the morning; and some hours after, we returned to recite it.

Q. 120. Explain your last answer by reference to some author.

A. If we had to give, for example, Lucian's Dialogues, the Professor would read a certain portion of one of them, explain the general meaning, and leave the literal translation to our own exertions.

Q. 121. Was that the only mode of instruction in the Greek language in that University while you were there?

A. The Professor used occasionally, if I recollect right, to make some observations on the character of the language or its literature. This is all I recollect.

Q. 122. What authors were used in the Greek class?

A. I merely recollect the one I have mentioned, and Homer.

Q. 123. Did you commence the study of Greek in that University?

A. I don't recollect exactly, but I think not.

Q. 124. What grammar, what lexicon, and what text-books did you use in your studies in that language?

A. If, generally speaking, I scarcely remember the names of my masters, it can scarcely be expected that I should bring to mind at this distance of time the names of lexicographers, editors, &c., whose editions might have been in use.

Q. 125. Did you ever hear of Schrœvelius, Donegan, Butman, Thirsch?

A. I may have heard of those names, but they are none of them familiar to me—perhaps at that time they were.

Q. 126. Can you not remember what books in the Greek lan-

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guage you read in the course of your studies at the University of Glasgow?

A. I do not recollect any others than those I have mentioned and some extracts from the poets, but I cannot say what extracts.

Q. 127. Do you remember that you did read Lucian and Homer?

A. We did read some portions of their works.

Q. 128. What do you mean when you say "some of the poets"?

A. That we used to translate such portions of their works as were given to us for that purpose.

Q. 129. Was the nature of the instruction as to the poets different from that in regard to other Greek authors?

A. I don't think it was, and it strikes me that the principal object was to make us acquainted with the different styles of measures, &c., of Greek versification.

Q. 130. Versification or prosody was the subject to which your attention was particularly directed in the study of the Greek poets, was it not?

A. The last weeks or probably the last months of the term, I don't recollect that we had much to do with prose writers, as our attention then was principally directed to the poets. We of course commenced with the prose writers.

Q. 131. Did you commence with Lucian or with Homer?

A. We studied Homer as a poet, consequently he came in towards the end of the course; and Lucian as a prose writer in his Dialogues of the Dead.

Q. 132. According to your recollection, the course of instruction in Greek in the University of Glasgow consisted merely in the Professor's translating a portion of some writer, which the class took, and in a few hours returned and recited, with occasionally some remarks upon the literature of the language?

A. Such was really the case as far as I can recollect, except during the first weeks that we were engaged in the study of the grammar.

Q. 133. Does it not occur to you that this treatment of a dead language was more on the level of a common school than on that of the celebrated University of Glasgow?

A. It strikes me that in a common school you may sometimes have in your power to do more in those matters than in a public University, where so many students used to attend the class, and where the Professor is anxious to attend to as many of them as possible on each occasion. I think a great deal must be left to individual exertions in such cases.

Q. 134. Did not the Professor of the Greek language deliver

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a course of erudite lectures on the Greek language, going into profound inquiry into its origin and all its characteristics, and such as would tax the faculties of full grown men fully to comprehend and master?

A. I really can't say what he may have done in other years; and I suspect that had he given such lectures in the year I had the pleasure of attending Prof. Young's class, a great proportion of my fellow-students, and I among them, would have profited very little, by not being of an age, as I think, to understand them.

Q. 135. Then perhaps you remember nothing of Greek roots?

A. After the lapse of so many years, what I recollect of Greek is very little, not having had occasion to practice it.

Q. 136. Do you remember any public exhibitions or annual celebrations in the University; if so, what were they?

A. I do not remember any such exhibitions in the University.

Q. 137. Were there no ceremonies at the opening or the close of the annual course; if so, what were they?

A. I do not remember to have witnessed any ceremonies of that description.

Q. 138. Did the Professors reside within the limits of the University, or at private houses outside of it?

A. I think that some of them did reside in private residences within the limits of the University.

Q. 139. Where did you reside?

A. In a private gentleman's house, to whom I had been recommended, Mr. John Sandyman; I had been recommended to him by his relation, Mr. George Sandyman, of London.

Q. 140. I have omitted to ask you whether there was not more than one Professor of Greek in the University, and various assistant instructors?

A. I knew but one Professor and no assistant instructors in the University; but out of it those who desired and could afford it might have private tutors to assist them in preparing their lessons for the class.

Q. 141. Did you remain more than the eight years you have spoken of in Great Britain?

A. I think I was there about nine years altogether, counting from the time of my arrival in London at the age of about eight years.

Q. 142. Do you remember any very remarkable event of a public nature which happened during that time?

A. It was the memorable epoch of Napoleon the First's campaigns.

Q. 143. Which campaigns?

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A. In Europe, which terminated in the battle of Waterloo.

Q. 144. You refer generally to the campaigns of Napoleon, and not to any particular campaign during the nine years you were in England?

A. Yes, sir, I refer to them generally; because our knowledge of them at school at the time they occurred was very slight and limited.

Q. 145. Where were you at the time you heard of the battle of Waterloo?

A. I do not recollect.

Q. 146. Were you not at the University?

A. I do not recollect.

Q. 147. Were you not at the University some time during that year, or were you at Old Hall Green?

A. I do not recollect.

Q. 148. Is your memory of dates sufficient to enable you to say in what year that battle was fought?

A. Even in that I would not affirm anything.

Q. 149. Why would you not affirm the year in which the battle of Waterloo was fought?

A. Because, as I have said more than once already, I cannot trust to my memory.

Q. 150. Is it possible that you dare not affirm the year, month, and day, of the battle of Waterloo?

A. Such is really and positively the case.

Q. 151. Would you not feel absolutely safe in saying it was in the year 1815?

A. Were you to affirm it, or with an historical work before me, I would not hesitate to say so?

Q. 152. Can you not further say, without the aid of my affirmation, or reference to any historical work, that it was in the month of June of that year?

A. Of myself I would not affirm it.

Q. 153. Would you not affirm it with absolute confidence?

A. I certainly could not.

Q. 154. Could you not further, with all certainty, affirm that it was on the 18th June?

A. Of myself, I say again, that I certainly would not affirm it.

Q. 155. I understand you then, upon my affirmation, or with an historical work before you, you would venture to affirm that the battle of Waterloo took place on the 18th of June, 1815, but that otherwise you would not?

A. Such is the case.

Q. 156. In regard to dates, then, your memory is about as bad upon the greatest political events, as the most trivial mat-



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ters of your private history; that you cannot trust it for dates in the one instance more than in the other?

A. It is so, most undoubtedly; and I should have reason to consider myself happy, did that faculty of memory exist only with regard to dates. Among a thousand things that may have made an equal impression on my mind, more or less, I may and do at times recollect a few here and there, but it generally requires the strong action of some new impression connected with that one that may contribute to refresh my ideas, and give them the strength almost of a very late impression.

Q. 157. Is your memory about as bad as to persons' names, and events, as it is with respect to dates?

A. I have already said that my memory is bad in general; though I have also stated that, with some exceptions—and these exceptions may not in every case happen of their own accord as it were, but produced by casual occurrences, or new impressions received on the mind. My general rule however is, when I wish to speak positively of anything, to recur to the fountain, and then and thus, with the positive assurance acquired by that means, I consider that I may safely speak out, assert, affirm, or insist on what I may say; otherwise, knowing the frailty of my memory and the facility with which, even in the best regulated minds, a mistake or even an error may creep in, I speak without confidence, and never dare to affirm. This is the truth of the matter.

Q. 158. My question is very plain and direct. I ask you whether you can distinguish any less degree of infirmity of your memory, in respect of the other particulars which I have suggested, than in respect of dates?

A. I think my answer has been equally clear and simple, to wit: that my memory is bad in general, though with some exceptions; and I have thought it an act of justice to myself, as I willingly admit the infirmity of my memory, to state, as I have done, what those exceptions are—in what they consist.

Q. 159. Having made whatever general statements you like, please answer, in one word if you can, whether your memory is any less bad as to persons' names and events, than it is as to dates?

A. It is as bad generally, not always. I cannot find fewer words.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, CAL., September 9, 1859.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph and Mr. Sloan for the United States.

Q. 159. Since the adjournment on yesterday, I presume you have refreshed your memory by reading or conversation on the subject of the University of Glasgow, and the battle of Waterloo. Is it not so?

A. I must confess that I have really not thought anything more about it.

Q. 160. What was the business of Mr. Sandyman in Glasgow?

A. He was in the commercial line, though I do not precisely know in what branch.

Q. 161. If you had been a clerk in his employ, and not a student, might you not have learned as much about the University of Glasgow as that the boys wore red gowns and one of the officers was called the Principal?

A. It is very possible.

Q. 162. During the two years you were a student, do you remember taking part in any election in the University?

A. No.

Q. 163. Was there or not an election held in the University every year?

A. I do not recollect whether there was or not.

Q. 164. Was there not an officer called a Rector elected every year in the University?

A. I do not recollect.

Q. 165. Did you ever hear of any division of the students into certain classifications for a certain purpose; and if so, what were those classifications, and what was the purpose?

A. I have no recollection of anything relative to that matter.

Q. 166. I have before me a book called "Reese's Encyclopœdia." Under the head of "Glasgow," I find that an officer called the "Lord Rector" is chosen every year for the University, and that "the Professor and students when assembled for the election of a Rector or any other general purpose, are divided into four nations, according to the places of their respective births, viz: the Glotiani comprehending the natives of Clydesdale and the adjacent districts of Scotland, south of the Forth; Trans Forthani, the natives of Scotland on the north of the Forth; Rothsani, the natives of the West Islands of Scotland, and of Ireland; Londoniani, those of the eastern districts of Scotland, of England, America, and the Colonies. The votes of these nations are decided by a majority, and the majority of nations decides the question; in cases of parity, the decision is in the

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Regent." During the two years that you were a student in the University of Glasgow, do you recollect to have seen nothing of these assemblies which met annually for the purpose of this election, and which were divided and conducted their proceedings in so remarkable a manner?

[Question objected to on the ground that it has already been answered, and that it is a useless incumbrance of this record to fill it with extracts of Cyclopœdias accessible to all persons desirous of information on the subject.]

A. I do not recollect anything about it, because, as I had to reside but a limited time in Glasgow, and with the exclusive object of attending the Greek and Logic classes, I took no interest in any other concern, private or public; and of course, not having paid attention to any other, I could not have acquired any knowledge of it, and consequently it could leave no impression on my memory. I think I stated yesterday that I found the studies I was engaged in quite enough of themselves to occupy the whole of my attention.

Q. 167. I find your want of recollection of the year in which the battle of Waterloo occurred, so remarkable in a man of your experience in public affairs, that I wish to test your memory further by a reference to that subject, and will ask you who were the parties in that engagement, and the names of the celebrated men who figured on either side?

[Objected to as irrelevant.]

A. From what I stated yesterday, it may be deduced as a natural consequence, that I have not been in the habit of committing to memory the precise times, dates, etc., of events, however memorable, that I read and study for general information. I endeavor to acquire by that means as much as I may be capable of, but without ever considering that it will add anything to that mass of information, whatever it may be, to recollect names, dates, epochs, etc., or that it will deduct from it, by the mere circumstance of not having engraven them on my mind, not ever having had that object in view.

With respect to the question; so much has been said, and is said, about Wellington, Napoleon, and Blucher, that these three names may be cited—and I say the same with respect to their respective forces. Still, let me be allowed to add that I might have forgotten one or more of these names, as my object is to acquire instruction that can be drawn from such public and memorable events, and this is the principal, and I might say exclusive, object of my attention.

Q. 168. If you would like to go into any further particulars in answer to the question asked, you are at liberty to do so.

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A. Nothing further occurs to me at the moment.

Q. 169. When you left Great Britain, where did you go to?

A. I went to Spain.

Q. 170. What did you do there?

A. I spent something like two years at the Seminary of Vergara, for the purpose of studying mathematics.

Q. 171. Have you any better recollection of that school than of the other three, concerning which you have testified; and, if yea, answer as fully as you can with reference to the former questions, which I need not repeat?

A. I did not live, like the greater part of the students, inside of the establishment, but out of it, in a private gentleman's house: consequently, I can't say much as to its interior organization; however, I know that it had a Director, so called, Professors of Mathematics for the three years which the study of that branch usually occupied, a Professor of Spanish literature, one of English, and one or more private tutors in music. Two of the Professors were named Azcarate, the others had Biscayan names, which I cannot now recall. Enciso Castillon was the Professor of Spanish literature. I know there was a Professor of Latin, but am not sure whether it was the same Castillon or not. I remember nothing as to the administration or discipline of the institution, for I did not live inside of it.

Q. 172. You spent the 18th and 19th years of your age there, did you not?

A. About those years.

Q. 176. Could not your memory serve you to give an exact and detailed account of all that concerned that institution during those two years, such as I yesterday suggested by my inquiries as to other institutions?

A. I may do so with respect to the authors we studied and the mode of instruction.

The author was La Croix's Course of Mathematics. The lesson was generally given from one day to another, sometimes with a short prefatory explanation on the part of the master, when he deemed it necessary or convenient on account of the difficulty, and in other cases leaving it entirely to our own efforts.

At the close of each scholastic year we had a public examination, which all persons were at liberty to attend.

Q. 174. What branches of mathematics were embraced in that course?

A. Arithmetic, algebra, geometry, application of algebra to geometry, descriptive geometry, trigonometry—plane and spherical, conic sections, fluxions and elements of physical science, mechanics, etc.

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La Croix's work, I must observe, only served as a text-book for us to the end of descriptive geometry, I think, but I am not sure; after which the professors made use of either the work of Saint Cyr, Franqueur, or some other, that being optional with him.

Q. 175. Did you commence your mathematical studies at that school?

A. I had merely studied arithmetic before.

Q. 176. Did you go through the whole of the course you have described?

A. Not through the whole, as I was only two years at the seminary, and studied, I think, as far as conic sections.

Q. 177. In what part of Spain is Vergara?

A. In Biscay.

Q. 178. In what years were you there?

A. I think it must have been from some time in '19, to sometime in '21.

Q. 179. What was your father's employment?

A. He had been a merchant for many years, first in Cadiz, and afterwards in Vera Cruz. He was at the same time a militia-man, which in ordinary times did not oblige him to any military service. When the war of the Mexican Revolution broke out, he was obliged to enter into military service, in which he continued until about the years '20 or '21, if I recollect aright, and then retired, with the rank of Brigadier-General, to Spain.

Q. 180. What was his name, and that of your mother; how came you to be sent to London, and with whom did you go?

A. His name was Joaquin de Castillo y Bustamente; my mother's name was Anna Josefa Gutierres de Lanzas. I was sent as far as Spain with an uncle of mine, and from there to London, recommended to Mr. George Sandyman, of whom I spoke yesterday.

Q. 181. Who was your guardian in England?

A. The said gentleman.

Q. 182. After completing your studies in Vergara, where did you go then?

A. I staid a few months with an uncle of mine at Santander, and then went to join my father and family, who had arrived about that time in the port of St. Mary, opposite to Cadiz, and with them I went to Madrid.

Q. 183. When did you return to Mexico?

A. Some time in 1822, I think it was.

Q. 184. What did you do there?

A. I had been offered by Gen. Yturbide an appointment in the Mexican Legation to London. He fell, and that Legation

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did not go. Next, I was offered an appointment of Secretary of Legation to the United States; this occurred between the years 1822 and 1823. This second appointment had no result either, for the Legation did not go. The Minister was to have been Don Juan Manuel Elizaldi. He is still living.

Q. 185. Who was the President at that time?

A. There was none.

Q. 186. In what year, and by whom was Elizaldi to have been sent Minister to the United States, and by whom?

A. I have said already, between 1822 and 1823. He was to have been sent by the Administration which came into power when Gen. Yturbide left the country.

Q. 187. What administration was that, and where did Gen. Yturbide go?

A. Gen. Yturbide went to Leghorn, in Italy. The head of the administration was a triumvirate, composed, I think, of Generals Michelina, Bravo, and a general who was recently shot here on the coast, but whose name escapes me—it was Guerrero. The leading man of the administration was the first I have mentioned.

Q. 188. In what year did Yturbide leave for Leghorn?

A. I think it was in 1823.

Q. 189. Do you remember when he returned?

A. I believe in the following year.

Q. 190. Do you recollect anything further about him?

A. He was taken on the coast of Tamaulipas, and shot at a place called Padilla.

Q. 191. Was the triumvirate you have spoken of still in power at that time?

A. I think not—but that Gen. Victoria had already become President.

Q. 192. Can you recall any other memorable event in Mexican history, of that year?

A. I think it was the year in which the Federal Constitution was established.

Q. 193. Why do you use the expression "I think?" Are you not absolutely certain whether it was or was not in that year?

A. Because, as I have said, I do not trust my memory in point of dates—as my principal endeavor is, as I have also stated, to gain a knowledge of the principal events.

Q. 194. Is it possible that you feel the slightest necessity of prudence or caution in trusting your memory as to the date as to which I have last inquired?

A. I must confess frankly that in this case, as in all similar cases, I do really mistrust my memory, unless some events may

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have taken place that may have recalled it to my mind in as clear a manner as if it had but recently happened.

Q. 195. Did you ever study a profession?

A. No, sir.

Q. 196. What had been Yturbide's profession in Mexico?

A. He was the Liberator of the country, and had been proclaimed Emperor in Mexico.

Q. 197. Can you not remember with absolute certainty, and be able to swear to the year in which, on the downfall of the Emperor, the Republic was established in Mexico?

A. Although I am almost positively sure that it was some time in 1824, October, I think, I would not venture to swear it at this moment.

Q. 195. Would you not, as a public man, feel more confidence in swearing to the day, month and year, of that event, even than to that of your own personal marriage?

A. I cannot say that I would, unprepared for the occasion.

Q. 196. What was your next employment, and when?

A. I had no particular employment until I commenced public life two years after that, *i. e.* in 1826, in Vera Cruz, as Secretary and Interpreter of the "Commandancia General de Marina." A short time afterwards I received the appointment of Oficial Segundo of the Ministerio Politico de Marina, and was called up to Mexico by order of the Minister of War, in whose office I acted as Gefe de la Seccion Central y de Reserva, until I think the commencement of 1828, when I again continued my services in the Naval Department until about 1833, when I went up to Mexico as Secretary to Gen. Pedraza; during his Presidency in the same year I went to the United States as Chargé d'Affaires, and returned to Mexico in 1837, where I was employed a short time in the Ministerio de la Guerra, and then again in the Naval Department of Vera Cruz, where I was appointed Prefect of said District, either in 1840 or 1841. I held this office about two years, when I again returned to the Naval Department. I remained there until about the end of the fall of 1845, when I returned to the Capital as member of Congress for the Department of Vera Cruz. The following year I was appointed Minister of Foreign Affairs and of the Interior, as the two Ministries at that time formed but one.

Q. 197. Please give me the precise title of that office when you held it.

A. I think it was Ministerio de Relaciones Exteriores y Gobernacion, but as titles are apt to change, and neither add to or take away from the substance, I don't pay much attention to them.

Q. 198. Are you not as certain of the title and style of that

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Ministry at the time you held it in 1846, and as it appears in Mexican decrees and other official documents, as you are now of your own name;—what was it?

A. That I never could be, and I must again state that I think the title was the one I have mentioned; that I knew I was Minister for Foreign Affairs and for the Interior; that I was sometimes even officially entitled "Ministro de Relaciones," at other times "Ministro de Relaciones Exteriores," and at others again, "Ministro de Relaciones Exteriores y Gobernacion," consequently I thought it beneath my notice to pay attention to the precise words on the seal, leaving the charge of that, as I think in duty it should be left, to the Oficial Mayor, or to him and the Cancelleria together, who have charge of the seals; as a matter of theirs, they took care that it should be properly arranged. But it appeared to me that trusting, as he should, to said officials, the Minister, who had things of importance to attend to, should not give any part of his attention to these mere matters of form. The title was, as I have already stated, Ministro de Relaciones Exteriores y Gobernaciones. Sometimes it was called Secretaria, which has the same meaning in Spanish in that connection.

Q. 199. Under what constitution or organic law was Mexico governed in 1846?

A. It can't be said that there was any Constitution, since the new administration that came into power almost at the commencement of the year, was to convoke a Convention for the purpose of framing a new Constitution.

Q. 200. Why could there not be said to be any Constitution?

A. Because all the States of the Republic were, in consequence of the revolution which had taken place, in a state of confusion; so that, thanks to the great efforts made on the part of the administration, they were brought together into some order just a little before the time that the Congress, charged with the admission of a new Constitution, assembled.

Q. 201. Was not that administration conducted under some "plan," if so, what?

A. Yes, sir; under the plan known as that of San Luis Potosí: that having been the place where the pronunciamiento occurred, and by some farther articles agreed upon in an assembly of "notables" in the capital.

Q. 202. Did that "plan" make any change in the Constitution of the country, or on the contrary did it not recognize all the laws in force, including the organic law, whatever it was?

A. Those laws were of themselves subsistent in so far as they could be brought to act in that state of circumstances, since there were no others for the time being to substitute. But whether it was expressly agreed, enacted or ordered that it should be so, I do not recollect.

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Q. 203. Of course you have read the Plan of San Luis Potosí, and the additional articles?

A. I read them at that time merely as a passing event, as they could have no other character; and waiting for the result, which was the really important part, and to which I had to contribute as a member of the cabinet, I employed all my efforts to bring about that result, putting aside altogether those provisional articles.

Q. 204. What result do you mean?

A. The meeting of the new Congress, with the object of forming a Constitution such as would correspond with the true interests and the peculiar circumstances of the Republic—a result vitally important in itself, and in which all those who had at heart the wellfare of their country appeared to take a most lively interest.

Q. 205. What organic law did the Plan of San Luis Potosí find, and leave subsisting; how was it known; and of what date was it?

A. I cannot say which it found subsistent, the changes have been so frequent; but it left none.

Q. 206. I mean what was the constitution or organic law of Mexico at the time of the pronunciamiento of San Luis Potosí?

A. I answer, without confidence, that I think it was the constitution known under the name of "Bases Organicas."

Q. 207. What was the next before that, and so on successively with every change, back to the Constitution of 1824?

A. That is a question which, as I indicated before, I could not answer in proper order, on account of the frequency of the changes, although these changes may have consisted merely in the substitution of one constitution for another; that is to say, the Federal for the Central, or *vice versa*.

Q. 208. Had there been up to 1846 so many as a half-dozen different constitutions, with different dates and names, although revolutions with changes of places and persons may have been more numerous?

A. Of Constitutions I know of but two, which up to that time had existed in all their force. These were the Federal, and that of the Bases Organicas I have just mentioned. I cannot speak of course of the years during which I was out of the Republic, viz: from 1833 to 1837.

Q. 209. Of what date were the Bases Organicas to which you have referred?

A. I think some time in the year 1840 or 1841.

Q. 210. From 1840 or 1841 up to 1846, do you know of but one Organic Law, Basis, or Constitution, or by whatever name the establishment of the Government might be known?

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A. There was one, but I do not recollect the name.

Q. 211. Can you recollect no other Constitution, Constitutional Basis, Organic Basis or other written form of government between 1846 and 1824? If so, give its style and date.

A. None, unless it be the plan of Tacubaya, somewhere about 1844.

Q. 212. What became of the Federal Constitution of 1824?

A. Whenever any new Constitution was substituted, the Federal one no longer subsisted. It has subsisted several times and ceased as often. But I never kept a record of these things.

Q. 213. In the intervals between the ins and outs of the Federal Constitution, what was the form of government?

A. It was always some other Constitution of the central form—since in Mexico the Constitution has always been of one character or the other.

Q. 214. My question is in effect, and please so answer it now; who overthrew the Federal Constitution of 1824; in what year; was any written form of government substituted in its place; if yea, what was it, and the title by which it was known?

A. The Federal Constitution was overthrown by the pronunciamiento of Jalapa, under General Anastasio Bustamente, some time in 1828 or 1829—I rather think the last year, and a central form of government was established, the precise title of which I do not recollect.

Q. 215. How long did the government set up by Anastasio Bustamente last, in the same form?

A. Until the latter end of 1832.

Q. 216. Then, what?

A. Then came the short administration of General Pedraza, under a Federal Constitution.

Q. 217. How long did the Federal Constitution of 1832 last, and what succeeded it?

A. I did not return from the United States to Mexico until the latter end of 1837, and then I found a central form of government established, and the same Gen. Bustamente President.

Q. 218. Do you not know what occurred in Mexico during your absence in those years?

A. I know there were some revolutions in that time, commencing with the one known under the title of "Religion y Fueros." But having been absent from the Republic, I cannot state the particulars of that or any other.

Q. 219. Were you not absent in the official employment of the Government?

A. I was.

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Q. 220. Were you not then precisely informed of every change in the government as fully as if you had been present in the country?

A. Not by any means as fully, but only substantially, and even that not always in regular course.

Q. 221. Please give me the names in succession of all the Presidents of Mexico up to 1846?

A. I must say that is a task superior to my poor abilities, as there have been many, and some after very short intervals who could not excite the least interest in their permanency, and of whom I scarcely think that any Mexican keeps a clear recollection.

Q. 222. Please mention the names of all you remember, beginning with the first?

A. I shall mention them without any attention to order. Generals Victoria, Santa Anna, Bustamente, Barragan, Pedraza. There are three more whom I have in my mind, whose names I can't recollect. José Justo Corro, Gomez Farias; these are all I recollect at present.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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September 10.—Examination resumed.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 223. As a Minister abroad, and also in the cabinet of Mexico, I take it for granted that you have paid much attention to general history, and particularly to the history of your own times and your own country; is it not so?

A. As a matter of general instruction I have, and no further.

Q. 224. Have you not found it necessary, not only as a matter of general instruction, or branch of a liberal education, but as a necessary and special sort of instruction and of daily practical use in the discharge of your duties?

A. I have not.

Q. 225. Do you not regard the study of general history, and more particularly the study of the current history of a man's own country, as the peculiar and indispensable study of a Cabinet Minister or a diplomatist?

A. Undoubtedly, sir, in the manner in which I have said.

Q. 226. As this answer seems somewhat inconsistent with your last answer, please state what you mean more precisely?

A. As a matter of general information respecting the most important events.

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Q. 227. Is that all? Must not a diplomatist or Cabinet Minister study history professionally, to use the expression, as a lawyer studies law, a doctor medicine, a miner mineralogy, etc.?

A. It appears to me very doubtful whether any such necessity exists in any person who does not pretend to be a professor of history, and certainly not in any person who may be a Minister of State to-day, a diplomatic Minister to-morrow—on each occasion for a short period, and not as an adopted and constant career. General information will suffice, I have always thought, for the discharge of his duties; and should he at any time find himself under the necessity of individualizing subjects in any manner at all, he can always have at hand the ready means of doing so, as far as the occasion may require. This I can say from my own proper experience.

Q. 228. Do you not think that a man who has been all his life in public employment, as you say that you have been—twice in diplomatic service abroad, and twice prime minister at home, should at least be able to remember the changes which have taken place in the form of his own government during twenty-two of the best years of his own life, and be able, without difficulty, to mention in their order the names of all those who have attained the chief magistracy of his country, even if those changes had been as often as twice a year?

A. I cannot say that I do see any such necessity.

Q. 229. How was the name of that Ministry, which you held in 1846, given and established?

A. The office was established from the commencement of our independence. Its particular title, such as it was in 1846, I cannot say from what time it dated, nor how it was given.

Q. 230. If you were about to seek information, in order to give a perfectly accurate answer to my last question, where would you look for it?

A. In some historical work that may be found in California, and should it not be there, nor in the archives of the Mexican Government or consulates, I should have to seek information elsewhere. But in the discharge of a diplomatic or any such post, it would very rarely be found, if ever, that a person has not at command the data he may require, even in such very trivial matters as the title of an office.

Q. 231. For example, to what historical work would you possibly refer to inform yourself of the origin of the title of the ministry which you yourself held in 1846: I mean, by what authority was conferred the title which it bore at that precise time?

A. I might refer to any of those which have been written of

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late years, though I cannot quote the titles, or to the collection of decrees which have been published, and which exist in California.

Q. 232. Before going to histories, why would you not just refer to the Constitution or organic laws of Mexico, and why did you not mention decrees before you spoke of histories?

A. Because it did not occur to me, as the decrees did not at first occur to me, in which it would be as likely to be found as anywhere else. But of course, in some historical works, mention is made, if I do not mistake, of the establishment of that office, and furthermore, if I do not mistake, it is likewise stated that the First Secretario del Despacho, or Minister of that branch, was the Doctor José Manuel de Herrera.

Q. 233. At what period was that?

A. At the very commencement of our national government, immediately after Gen. Yturbide had got into power.

Q. 234. What historical work do you refer to for that fact?

A. I have already stated that I cannot remember the titles of these historical works. I have seen it so stated somewhere, but in what work I cannot say—I think it was in one of these works—I read them and throw them aside, and think no more about them.

Q. 234*a*. In California we have a great many offices. If you should ask a public man in this State where you should look to find the origin of the title of each of those offices, and the precise words in which it should be expressed, he would tell you at once to look to the Constitution and the Statutes of the State. Why is it, when I asked you that question as to an office which you yourself had held, that you did not answer promptly in the same manner?

A. In California, what has been once established, has remained so. It is a new State. Mexico is not an old nation (speaking of it since the time of its independence), but during the years it has existed hitherto, revolutions have been frequent. The changes they have brought with them have been so likewise, and things which are positively and generally known here, require some forethought and memory there.

Speaking with reference to the title of this office, I really should think, as I intimated yesterday, that it should be beneath my notice to give any part of my attention to the mere wording of the title of the office itself, more especially, as all that belongs or pertains to that particular thing is attended to by persons whose particular duty it is.

Q. 235. Still, could anything have been more easy and natural, than for a man of your great opportunities to say at once, "Look for it in some of the various constitutions or decrees of

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Mexico," without talking of histories, archives, consulates, etc.?

A. As such things may be found in such places, that is the reason why I spoke of them, and because they were the first that occurred to my mind.

Q. 236. You cannot tell me in what constitution or decree the title, in 1846, of that Ministry is to be found?

A. I certainly cannot, as it is a matter that never occupied my attention half a minute.

Q. 237. You say there is a general collection of Mexican decrees; are you at all familiar with it; by what name is it known?

A. There are two collections that I know of, entitled, I think, "Coleccion de Leyes y Decretos,"—one of them by a Mr. Arrillaga, and the other by a Mr. Navarro—and I have taken up and consulted volumes of these when necessity required.

Q. 238. You have done so recently, in this city, have you not?

A. I have.

Q. 238*b*. In your answer to question 198, speaking of the Ministry which you held in 1846, you said, "the title was, as I have already stated, Ministerio de Relaciones Exteriores y Gobernacion; sometimes it was called Secretaria, which has the same meaning in Spanish in that connection." In this you seem to say, that the title of that Ministry was, indifferently, "Ministerio," or "Secretaria." Is that your meaning?

A. My meaning is, that by Ministerio de Relaciones is understood exactly the same as by Secretaria de Relaciones. Just the same as with respect to the principal Oficial in that office, the same is understood by Ministro de Relaciones, as by Secretario de Relaciones. All this is in common parlance. Rigorously, although it is a form very seldom observed, all the Ministers of the government should be called "Secretario del Estado y del Despacho de Relaciones," "Hacienda," or whatever the branch he might preside over.

Q. 239. Where will I find this more rigorous use of the words "Secretario," etc., instead of "Ministro," etc.?

A. I don't know that it could be found anywhere, except in any one of the official communications that bear those titles; and here in California, it might be found in copies or transcriptions of that class of communications to the Government. I take it for granted, though I cannot affirm it, that the origin of this title (which appears to be the most correct), must be found in the law or decree that served to establish the office itself, although for the sake of brevity, some part may be usually omitted.

Q. 240. It is of that law or decree that I have been inquir-

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ing all this morning; can you now speak more confidently of it than in your former answers?

A. I do not recollect to have ever seen it; otherwise, I might with confidence have said that the title of the Secretarios del Despacho was to be found in it.

Q. 241. I have been mistaken, then, in supposing that a "Secretaria" and a "Ministerio" were not the same thing; but that in each "Ministerio" there was a "Secretaria?"

A. I think that is the very reverse of what I have stated. I have said, referring to the branch of Relaciones, that it was indiscriminately called Secretaria or Ministerio, both signifying the same thing, and that in the same manner, the Minister himself is indiscriminately called "Ministro" or "Secretario" de Relaciones.

Q. 242. In 1846, when you were Minister, what was the organization of that Ministerio?

A. It was divided into different sections—each of them with a "gefe" and subordinate clerks. To one of these was committed all that appertained to Europe—to another all that appertained to America; then there was the Cancilleria for passports, certificates, &c.; and one particular official whose duty it was to take a note of all communications received, and to distribute them to the respective sections, as soon as the "acuerdo" or resolution of the Government was noted upon them. This same official would likewise write the official communications that might be received from the authorities or other persons within the city itself. Then, as the dispatch of interior affairs was annexed to the same Ministerio, there was another section for this special branch. Of course there was an Oficial Mayor, who acts as an under Secretary of State.

Q. 243. Please give me the "Planta" or list of the titles of all the employments in that Ministry, when you were at its head in 1846?

A. That I could not say from memory, because no Secretary of State enters into those details, except when some particular reform or change is called for—and even then he only takes cognizance of the matter for the particular purpose for which his attention is called to it; but never with the object of retaining in his memory the precise number of the empleados. It is with the Oficial Mayor that the Minister has to do, and it is by him that he communicates his order to the other subordinates in the office, without ever needing even to enter their departments, unless he willingly desires.

Q. 243. The question is as if I should ask the Judge the list of employments connected with this Court; or as if I should ask the Collector of Customs for a schedule of the sub-

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ordinate employments in the Custom House. If you cannot mention all the persons connected with the office in 1846, please mention as many as you can now recall?

A. I will do so with pleasure; my former mistake proceeded from the term planta having been used in the question—the technical meaning of which in the Ministerio is, the list of empleados and their respective salaries.

Now that I understand the question properly, I will in reply state that the Ministerio de Relaciones y Gobernacion had, in 1846, the appointment of Diplomatic Ministers — Chargés d'Affaires, Consuls, Vice-Consuls, &c.; and that of Governors of States or Departments.

Q. 244. You mistake my meaning much more than before; I asked you to give a list of the subordinate employments, or officers, in the Ministry in 1846?

A. The first subordinate to the Secretary of State was the Oficial Mayor Primero, then the Oficial Mayor Segundo, then Oficial Segundo Primero and Oficial Segundo Segundo, then Oficiales Tercero, Cuarto, Quinto, etc., as many as the Governor chose to name Escribientes, Meritorios, Porteros, and one or more Mozos de Oficios.

Q. 255. Was not the number Oficiales limited by law?

A. Although the "Plantas" originally, from what I have learnt from these Oficiales themselves, had a particular number of officials assigned, the government might, and did, increase or diminish that number, according to the business to be transacted, or for other reasons.

An alteration of this kind took place, diminishing for economy's sake their number, when I was in the Ministerio de Relaciones the second time, viz: in 1858.

Q. 256. As Mexico is a government of laws, why do you say you obtained information of Oficiales as to the organization of your Ministry in 1846?

A. Their information referred merely to the very subordinate officials, who might either be increased or diminished in their number in one or more, according to what might be thought needed, according to the amount of business to be transacted. It probably may have been left by law to the option of the Minister, or it may have been done in virtue of extraordinary faculties with which our Presidents have so frequently been invested. But the principal officials are fixed in their number and classification.

Q. 257. Do you not know that that Ministry was regulated at that time in all its appointments by law, just as this Court is, or the Custom House, in this city?

A. Yes, it was so. But had the President considered it



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necessary at that time, by the advice of the Minister, to add one or more officials of the last class, because they were found necessary for the transaction of business, I really don't think he would have incurred any responsibility by so doing—as in such a case it would not be considered as done as a personal service.

Q. 258. Was Mexico divided into States or Departments in 1846, when you were Secretary?

A. It was divided into Departments.

Q. 259. What Governors did you appoint?

A. Some remained of those who filled that situation at the commencement of the administration. But in some departments, as in that of Vera Cruz and Mexico itself, which are the only two I recollect at the present moment, it became necessary to make new appointments.

Q. 260. Whom did you appoint?

A. In Vera Cruz, Mr. Sebastian Camacho. In Mexico, I appointed a gentleman whose name is very familiar to me, but which I cannot recollect at the present moment. He is at this time Counsellor of State.

Q. 261. Did you appoint no others?

A. I think there were others, but cannot recollect for what particular departments.

Q. 262. When in 1846 did you enter the Cabinet?

A. In January, and I think on the 7th.

Q. 263. Who composed that administration?

A. The President was Gen. Mariano Paredes. The Cabinet was composed, first, of Bishop Becerra, Minister of Justice; Mr. Luis Parres, Minister of Hacienda; Gen. Almonte, Minister of War; and myself in the Relaciones. Some time after General Almonte was succeeded by Gen. Tornel; Bishop Becerra, by his own under Secretary or special Mayor, acting as Minister without a title; and Mr. Parres was succeeded by Mr. M. E. Gorostiza, by myself for a few days, and Mr. Francisco Iturbe. Gen. Almonte left the Ministry; I don't exactly recollect the precise date, but a very few months after his entrance into it. Mr. Iturbe and the Oficial Mayor of Justice commenced towards the latter end of the administration—Mr. Iturbe, I think about the beginning of May, and the other gentleman about the beginning of July.

Q. 264. How long did this administration last, and by whom was it succeeded?

A. It lasted until the latter end of July, the 25th, I think, and was succeeded by Gen. Bravo.

Q. 265. How long did he hold the Presidency, and who succeeded him?

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A. He held it but a few days, until the first week, I think, of August; he was succeeded by the general who had commanded the army in the city of Mexico—I have forgotten his name at this moment—who was to remain in office until the arrival of Gen. Santa Anna, in whose favor he had pronounced. Gen. Salas was the name—Mariano Salas.

Q. 266. Do you remember any of those who composed Salas' cabinet, and state anything you may remember about the form of his government?

A. I do not remember who composed his cabinet during the short time that he retained power. As I had then to withdraw for some time from public life, I do not know that any form of government was established until the arrival of Santa Anna, when the Federation was proclaimed again.

Q. 267. About what time did that happen?

A. About the beginning of 1847, I think, although I cannot fix the date precisely.

Q. 268. Then it is your impression that Salas did not immediately proclaim the Federation in August.

A. He may have done so; but as I retired, as I before stated, into private life, without taking any part in politics, the impression those passing events made on my mind was not such as to enable me to recollect them clearly now. Still, from what I do recollect, I think the Federation was not reëstablished until the arrival of Gen. Santa Anna in the beginning of '47.

Q. 269. Mention again the full name of Gen. Paredes, as it appears in proclamations, decrees, &c.

A. I am sorry I am generally so careless in all that respects full names, titles, &c., and particularly with respect to General Paredes in the present case, as to be seldom able to state full names even of persons with whom I have been well acquainted for years. Still, I think I may venture to state, though not confidently for the reasons I have given, that his full name was José Mariano Paredes.

Q. 270. Was it not Paredes y Arrillaga, just as your name as you write it is not Castillo, but Castillo y Lanzas.

A. It is very true that his name was Paredes y Arrillaga, but I beg leave to state that as there could be no mistake about his name, he was always called Gen. Paredes and nothing more; whereas, in Mexico I have always been known myself by the two names,—Castillo Lanzas to distinguish me from other persons of the same name who are well known, such as Castillo Yberri, Castillo Portugal, and others.

Q. 271. You will observe that I did not ask you how he was called amongst the common people, but that I asked you as his Prime Minister (so called in the direct examination) what was

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his name as it appeared in all official papers, decrees, proclamations, &c. If you remembered anything about him how could you forget that?

A. That omission on my part can only be attributed to the want of a habit of committing to memory full names, and particularly from hearing his constantly called, even in official circles, Gen. Paredes. Still, were I to have seen his signature in any public document at that time without the second name, Arrillaga, I should undoubtedly have noticed immediately the omission.

Q. 273. I have no doubt that in official circles you may hear our President of that day spoken of as President Polk, but would you not regard it as a most astonishing circumstance if one of the members of his cabinet, on being twice asked what was his full name, should not be able to remember that it was James K. Polk?

A. I beg leave to state that there is scarcely a similarity between the two cases, because the addition of a J. K. in President Polk's name, merely corresponds to the christian name of Gen. Paredes, whilst President Polk has no second name; besides that, I had understood that the object was to inquire not only as to the christian, but as to second names. I would have mentioned it immediately, since nothing could be more familiar to me than the name Arrillaga, not only on account of its being Gen. Paredes' name, but also on account of his most worthy relative, the Licenciado Arrillaga, a particular friend of mine.

Q. 274. I wish you to have the benefit of whatever explanations you choose to make, but did I not ask you what was Paredes' name in full, as signed in official papers; and where is the want of similarity in the cases of the official signature of the American President—always James K. Polk, and of the Mexican President—always Paredes y Arrillaga?

A. I can really say nothing more on this matter than what I have said, without incurring repetitions.

Q. 275. Of whom was the administration composed that immediately preceded that of General Paredes?

A. Of General Herrera, though I cannot say who his Ministers were.

Q. 276. Can't you now say who preceded you in the Ministry of Relaciones?

A. No, sir, I cannot.

Q. 277. Let me understand then,—you say that you were Minister of Relations during about the first half of the year 1846, but you don't know who was your immediate predecessor in the same office, nor who was your immediate successor—as

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you have said you do not remember the names of the gentlemen composing the cabinet of Salas?

A. When I was called to the Ministry of Relaciones I had arrived but a few days before from Vera Cruz, where I had been some years, the last ones in the naval department, retired from everything connected with a public life; consequently I entered Mexico as a new scene. With respect to the Minister that succeeded me I can positively affirm who he was, and that he did not belong to the administration of General Salas. His name was J. J. Pesado, and the President then was General Bravo, as I think I stated before.

Q. 278. This arrangement lasted but a few days?

A. That is true. But it is no less so that Mr. Pesado was the Minister of Relaciones during those few days, and my successor in office.

Q. 279. Then it is also true that after that you know nothing?

A. Yes, for a time; that is, I recollect nothing; I knew things as far as it was necessary at the time.

Q. 280. Now that I mention it to you, don't you know that José Maria Lafragua was the Minister of Relaciones under Salas, during the greater part of the remainder of that year?

A. I had an idea that either he or Mr. Rejon, or both, had held that office in the course of that year, but not a distinct recollection of it.

Q. 281. Have you any reason to believe that your memory has suffered any great deterioration within a few years?

A. Not the least.

Q. 282. Do you not suppose it then a circumstance without a parallel, perhaps in the world, that a man who had been trained to public life should, in the full activity of all his faculties, have held a cabinet office like yours for several months in 1846, and not be able to remember now either who was his predecessor or his successor (not counting the few days of Pesado) in that office?

A. I find nothing extraordinary in that; had I had any interest in retaining in my memory circumstantially those events they would be fresh in my mind at this moment, but my interest at that moment was precisely the contrary; that is to say, to look upon the passing events, as I said before, in as far as I considered it necessary to do so; and to seclude myself from public life as my position then required of me, dedicating my attention to more quiet and perhaps more congenial labors.

Q. 283. Do you consider that I am wrong in supposing that men who reach such high positions and retain their memories would always be able, with scarcely the possibility of an exception, to remember, not only their immediate predecessors

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and successors, but those who had preceded, and who succeeded them through many years either way?

A. If the reasons I have stated be taken into consideration, I think that all that seems extraordinary in the case disappears—and that the thing is easily accounted for. I find myself under the necessity of giving a short explanation; I am sorry that it should be so personal. I have been for years in employments in Mexico under the Government, which have never made it necessary for me to take part in political affairs, consequently it is not by striving to make myself remarkable in these that I have attained to these high posts with which my government has been pleased to honor me. When I least expected, and had really no reason to expect it, I have found myself called to serve my country in them, and have endeavored to do so loyally and actively, but always preferring those other more quiet posts, for which I may say I consider myself better qualified, and in which not having any necessity for taking a part in that continuous storm of revolutions, I endeavored to fulfil my duty as a simple citizen, but not to follow the course of events with that peculiar attention which would ensure a future recollection of them. This will, I think, explain why there are periods, brief as they may be, of which I can speak, and others of which I cannot.

Examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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At a stated Term of the District Court of the United States, for the Northern District of California, held at the Court Room, in the City of San Francisco, on Monday, September 12th, A. D. 1859.

Present: The Hon OGDEN HOFFMAN, District Judge.

THE UNITED STATES
*v.*
ANDRES CASTILLERO. } D. C., 420; L. C. 366.

The Court being unable further to continue the examination of the witness, J. M. Castillo y Lanzas, it is ordered, that it be and the same is hereby referred to W. H. Chevers, Esq., United States Commissioner, to proceed with and complete the examination of said witness.

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SAN FRANCISCO, Cal., Sept. 12th, 1859.

Cross examination of J. M. de Castillo y Lanzas, resumed before me, W. H. Chevers, United States Commissioner, as per foregoing order of Court.

Present: Mr. Peachy, of counsel for claimant, and Messrs. Randolph and Sloan, for the United States.

Q. 284. During the time that you were Mexican Minister of Relations, in 1846, how was the Administration of the government of the United States composed?

A. I do not recollect, further than that Mr. Polk was, I think, President at that time.

Q. 285. What was the name of the Cabinet Minister of the Government of the United States, who in that year had charge of foreign relations, and what was the title and style of his office?

A. The title was, I think, that of Secretary of State, but who the gentleman was that filled that situation at that time I do not recollect.

Q. 286. What was the chief and avowed object of the policy of the Government of Paredes?

A. To convoke a Congress, that might form a Constitution, such as the experience of past years might convince would be the most adequate, as I stated the other day, to the interests and peculiar circumstances of Mexico, and such as should contribute to restore and maintain, in future, order and interior tranquility, in the country. This I understood to be the principal object of the Administration, when I was called upon to enter the cabinet.

Q. 287. Was not the convocation of the Congress, etc., rather a means than the object of the policy of Paredes. Was there not another great object of vastly more importance than all others, which had been avowed by Paredes as the principal ground and justification of his *pronunciamiento*, and what was it?

A. I suppose you refer to the defense of the territory in case of a foreign war.

Q. 288. Why do you say in case of a foreign war?

A. Because the general opinion in Mexico at that time was that such a thing might occur.

Q. 289. In the foreign relations of Mexico at the time, what was the most striking fact, and how was that fact regarded by the Administration of Paredes?

A. As far as I can recollect, the most striking fact seemed to be the state of relations between the Mexican Government and that of the United States, which could not be looked upon

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by Paredes, otherwise than with regret, as they did not appear to be altogether upon that firm, amicable footing, which should have been desired by both countries.

Q. 290. What I desire to know is, what constituted at that moment the most striking, conspicuous and significant fact in the relations of the two countries?

A. I could not venture to enter into further particulars upon this subject, without perhaps exposing myself to make some grievous mistake, in so delicate a matter as this is from its own nature.

Q. 291. What great political event, deeply affecting the relations between the two countries, then occupied the attention of your government?

A. I know of no other, at that period, but the annexation of Texas to the United States.

Q. 292. Can you tell me when that had taken place, and where the American army was in the begining of 1846?

A. I do not recollect either the precise date, nor where the American army was.

Q. 293. About what date?

A. Nor about what date either.

Q. 294. Can you not remember the name of the place, where the American army was then encamped, nor for about how long a time they had been there?

A. I cannot.

Q. 295. Was it not at a place called Corpus Cristi, on the Gulf of Mexico, between the Nueces and the Rio Grande, in the State of Texas; and did not the government of Paredes regard that region as belonging to Mexico, and the presence of the American army there as an invasion of Mexican territory and an act of war.

A. I must again beg leave to state, that I could not venture to enter upon these particulars, without exposing myself to commit some grievous mistakes.

Q. 296. I ask you as a Cabinet Minister of Mexico at that time, and specially charged with the foreign relations of your country, whether this was not the one great fact, which at that time engrossed the undivided attention of the Mexican Government, and that shaped and controlled its actions?

A. It is precisely on account of my having been at that time in the cabinet, that I should not venture to enter upon state affairs of such import, for fear of incurring some very great error; but on the other hand I think I may safely assert that the attention of the government was seriously occupied at the same time, in all that requires the future constitution of the country, and much desired reëstablishment of general order and tranquility in it.

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Q. 297. As I desire to test the certainty and accuracy of your memory, of events which happened about the same time with those concerning the affairs of Andres Castillero, to which you have sworn on your direct examination, I must ask you what condition the relations between Mexico and the United States assumed in the months of April and May, 1846, and by what remarkable events those two months were distinguished?

A. I must be permitted to prelude one observation. Where my conscience is concerned, or the strict loyalty which is due on my part to my government at all times, and especially on those occasions in which I had the honor to be immediately connected with its administration, no consideration on earth, I trust, shall make me swerve from the fulfillment of my duty. Now, coming to the point in which two cases are presented, entirely dissimilar one to the other—as in the one, there is nothing which could ever give reason to any sort of reserve, and from its very nature of being so public and so simple, was at one time the subject of general conversation in Mexico, and also of general satisfaction, while the other had in it much of what appertains to serious state considerations, which cannot be divulged in the same manner what I have to say is, that in as far as the subject regarded the Ministry under my charge, the condition that the relations of the two governments assumed in thse stated months were certainly imposing in its character, and as foreboding a hostile termination.

Q. 298. I think that I understand you; but that there may be no possibility of misunderstanding by others who must read this deposition hereafter, I will ask you to be more explicit in stating what are the two cases to which you refer?

A. I refer to the state of the relations between the Government of Mexico and that of the United States, and to the case of Mr. Castillero.

Q. 299. I have asked you to say what was the condition of the relations between the United States and Mexico, as at that time of necessity infinitely more generally known and publicly talked of than anything concerning Andres Castillero or his affairs; I do not wish you to divulge any secrets of state, but to tell me what were the great historical events which marked the months of April and May, 1846; with that understanding please answer question 297.

A. As I before stated, the affairs, in as far as I was concerned as Minister of Relations, with reference to the United States, assumed a most serious condition; the events at that time were in part military, in part diplomatic; in all that related to the military part I had nothing absolutely to do with, as the Secre-

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tary of War received his orders directly from the President himself, consequently I can only speak of that portion which corresponded to the Ministry under my charge, and it is with reference to it precisely that I have said that the relations between the two countries at that period, assumed a condition of a very important character.

Q. 300. Why do you say that the relations between Mexico and the United States in the months of April and May, 1846, "were imposing in character and foreboding a hostile termination?"

A. Because, unfortunately, no arrangement appeared possible any longer between the two governments.

Q. 301. By "foreboding" you mean that there was reason to apprehend that war would ensue, do you not?

A. That is exactly what I meant.

Q. 302. Where were the American and Mexican armies respectively, during the latter half of the month of April, 1846?

A. As I have already stated, I cannot confidently speak of anything appertaining to the War Department.

Q. 303. What remarkable event occurred somewhere about the 24th of April, 1846?

A. If the question refers to any particular military engagement, as I may suppose from the natural order of ideas in proceeding from one question to the other, I must again repeat, that I cannot say anything about it, for the reason that I have already stated.

Q. 304 What other remarkable events occurred between the time to which I have just referred, and the middle of the month of May, 1846?

A. If you refer to military events I cannot say.

Q. 305. If, on or about the middle of the month of April, 1846, the Mexican army was encamped at Matamoras, and the American army on the opposite side of the river;

If, on or about the 24th April, 1846, a portion of the Mexican army crossed the Rio Grande, attacked, defeated and captured a portion of the American troops;

If, on the 8th May, 1846, a general engagement occurred between the American and Mexican armies, in which the latter were defeated, or at least retired;

If, on the 9th May, 1846, another general engagement occurred between the two armies, in which the Mexican army were routed and dispersed;

And if, immediately thereafter, the American army crossed the Rio Grande and occupied the city of Matamoras;

How is it that you, who were at that moment Secretary of Foreign Relations of the Mexican Government, should, when

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now asked what were the relations between your Government and that of the United States, answer only, that they "were imposing, and foreboding a hostile termination"?

How is it that you could not distinctly remember that actual war, with the most disastrous results to Mexico, was then raging?

A. It had not escaped my memory that these hostilities were taking place at that time, and it is with reference to them precisely that the Secretary of War used to receive his orders from the President himself, which I spoke of before. Still, there was a hope that notwithstanding those hostilities the two governments might come to some arrangement, in order to avoid a formal declaration of war, and making this war expensive to the whole country. It was with that hope that the labors of the Ministry of Relations were directed in all that concerned this important matter.

Q. 306. Will your memory serve you to tell me what generals commanded the respective forces on the occasions to which I have referred?

A. On the part of the Mexicans, I think I can recall to my memory Gen'ls Arista and Uraga, as also, I think, Gen. Vega; on the part of the Americans, if I mistake not, it was Gen. Taylor; and I must really say, that the recollection of military names on this occasion is not an effort, but a voluntary act of memory, since it had never been my intention to retain more than a recollection of those facts in general.

Q. 307. Why is it that you have omitted the name of the Mexican Commander-in-Chief in the celebrated battles of Palo Alto and Resaca de la Palma, which occurred whilst you were at the head of Foreign Affairs of the Government in Mexico?

A. Because, as I have just now stated, I don't pay such attention to names unless they be of some celebrated character, as to be able to recall them at pleasure, so that when they do occur to me as at present with reference to the two Generals I have named, and to that of Gen. Urrea, which I may add now, it is quite a voluntary act of memory.

It may be well to add, that when the news of all these military operations or results were received in Mexico, I could have no other object for my purposes in the Ministry of Relations, than that of knowing a general statement of facts.

Q. 308. After all the questions which I have asked you, it appears then that you cannot recollect the name of Gen. Ampudia, Commander-in-Chief of the Mexican Army, in the battles to which I have referred?

A. I confess that his name did not occur to me, as those of the other three Generals I have mentioned.

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Q. 309. Who was the Commander-in-Chief of the Mexican army, Ampudia, Urrea, Uraga, or Vega?

A. As far as my memory will serve me in these military affairs, Arista was, I think, the General-in-Chief. The Governernment, if I recollect right, displeased with his conduct as Commander-in-Chief, ordered him to be superseded, and whether this order arrived before the termination of Gen'l Paredes' administration to its proper destination or not, I cannot positively assert, though, at any rate, I think he continued some time longer as Commander-in-Chief, and it was only months after that they spoke in Mexico of his not having been yet judged or court-martialed.

Q. 310. Did you not hear Mr. Marks, a gentleman present, when he said to me just before your last answer that Arista was the Commander-in-Chief, and that he was court-martialed for his conduct in the actions to which I have referred?

A. I did involuntarily hear, not all that he said, but some part of it; still my answer had I not heard it could have been no other than what it is, for I distinctly recollect that the Minister of War, Gen'l Tornel, had a long conversation with the President, that they had before them drawings of the positions of both armies at different dates, which they were examining minutely, and that the final determination was, as I stated before, that Gen. Arista should be superseded, and that he should come to Mexico, but I think that order contained nothing further. It was not till some months after, as I have said, that I heard several persons in Mexico speak of an order which they said was existent in the military court or Tribunal de la Guerra, or in some other court, in virtue of which Gen'l Arista should have been tried before that time by court-martial, but that he had not been.

Q. 311. There was no impropriety in your hearing what Mr. Marks said, as his observations were addressed to myself as a suggestion to aid me in framing my question, and in an audible tone.

I wish to ask you now, how is it, that when you could not recall the memorable events of the three weeks of April and May, 1846, as to which I have questioned you with so much particularity, you can yet remember the signing of the dispatch of the 23d May, 1846; addressed to the Governor of California, and of having inserted in it the communication from Becerra, dated May 20, 1846, and also remember having received said last mentioned communication, and sundry other small particulars concerning the private affairs of Andres Castillero, and of a date so nearly contemporaneous with that very striking series of historical facts?

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A. It appears to me that from what I have stated in some former answers, it should be deduced, as a natural consequence, that I had some recollection of those military events that were passing in the northern frontier of Mexico; not such recollections, nor so clear as the Secretary of War could, and should have, as the principal agent for receiving all the communications proceeding from our Generals employed at the time in that service, as well as for directing to the same chiefs the orders of the President. Notwithstanding that all this active part of the administration was entrusted, as a matter of course, to that Secretary alone, and that I but come to the knowledge of the general facts that were taking place, I did recollect them when I spoke of them as actually occurring, and mentioned the names of some Generals, consequently I think that with respect to this matter I recollect it as much as could reasonably be expected; I had not the least part in the world in these military affairs.

With respect to the other case it is different, because I was obliged to take a part in it, as it was in the Ministry under my charge that the orders should be communicated to the Governor of California, and that I should make him acquainted, for his proper guidance in the matter, with all that the Minister of Justice, Mr. Becerra, had communicated to me. Mr. Becerra and myself were intimate friends, as I have before said; we were in the habit of seeing each other daily, and of conversing together on such matters as appeared to us of most importance in our respective Ministries. The arrival of a messenger from California with official communications from the Governor, and the commencement of a discovery of a mine of quicksilver, together with a sample of the same, was too remarkable a fact in itself, and in its consequences, not to have called our attention; still, here is a new proof of what I have said in this case, that any want of recollection of names or of persons, cannot augur in me a want of memory, since had I fixed my attention upon the person of the messenger himself, I don't think it possible that I should have ever forgotten that it was Mr. Covarrubias, but the fact is, that I recollect distinctly every thing else that I have stated upon this matter precisely as I have stated it, and yet I do not recollect that gentleman.

What I can positively say is, that the official communication and the small sample did not come by the mail, but by private hand. This could have been no other than Mr. Covarrubias, as I had been positively assured of the fact frequently afterwards; but this is the only circumstance in the case which I certainly cannot affirm of my own recollection.

Q. 312. Do you think it natural or reasonable that a Cabinet Minister, Secretary of Foreign Affairs, should remember

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the signing of a dispatch concerning a quicksilver mine in California, on the 23d May, 1846, and not be able to recollect that on the 9th day of the same month Mexico had lost a battle and an army on her own soil?

A. From what I have stated upon all these points, and leaving my own testimony to bear me out in the question, I really must be permitted to say, that it does not appear to me unnatural or unreasonable. In the one case it was natural that the date should be more fresh in my memory, recollecting, as I did, most of the other circumstances relative to it. In the other, it was to facts as they happened, but not precisely to the dates on which they happened, that I directed my attention; consequently it could not be expected that, between a subject in which I had had to act officially and directly, and in another in which I merely acquired the knowledge of general results, whatever their import might have been, I should possess the same degree of knowledge or recollection.

Q. 313. Did I not ask you where the American and Mexican armies were, respectively, about the middle of April, 1846, and what memorable events occurred between that time and the middle of May, 1846, and were you not wholly unable to say, either in the one case or in the other? Did I not also ask you what were the relations between the two countries at that time, and did you not say that they were merely serious and foreboded war; and was it not only after I mentioned to you the names of Palo Alto and Resaca de la Palma, that you ventured to suggest some Mexican officers whom you thought might have been present at some of these engagements?

And, under these circumstances, how can you now say that your answers have evinced a reasonable, or, indeed, any knowledge whatever of affairs upon that frontier?

A. It appears to me, perhaps I may be mistaken, that we are falling back again on a line of argument which we have already abandoned.

I have consistently asserted that I could not possibly answer, with confidence, in respect to matters in which I had no part at all, nor of particular or general results which I used to get a knowledge of as necessary for other purposes of the administration, but without any necessity, on my part, of recording each one of them individually and circumstantially.

As to the official whom I had named, it must be pretty evident, I think, from what I have stated relative to Gen. Arista, that I certainly knew he was engaged in that case; and of Gen. Uraga, I may now say, that I could entertain no doubt, were it merely from the recollection of a pamphlet which he published in Mexico, relative to that campaign.

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Q. 314. It is true that I have recapitulated a little, but I have done so that I may be able to ask you now, how, under such circumstances, you could assert that you had shown a sufficient knowledge of the great facts referred to, and were only unable to give their dates?

A. I do not know if I did use the term "sufficient," but if I did, it could not, at all events, be in any other sense than that in which I have endeavored to explain my ideas in the answers which I have given—that is to say, that I had not such a clear recollection, nor such a minute knowledge of those military operations, as the Secretary of War himself could have, as the immediate agent in all that was relative to those operations, and whose attention was deeply and assiduously applied to them, whilst I merely gathered from him such a knowledge of events as might be useful in the discharge of the business of my own department, in consequence of which, as I said, it could not be in my power to give a detailed account of those events.

Q. 315. In a word, then, such are the imperfect recollections which you, who were Prime Minister in 1846, retained of affairs as they were between your Government and that of the United States, and such the distinctness of your memory as to the affairs of Andrew Castillero, and his discovery of a vein of quicksilver in California?

A. Not by any means so, allow me to say. The military operations that were going on in the Northern Frontier of Mexico, could not comprehend and embrace the state of all the affairs as they were between the two Governments; that was but a portion, and a portion, as I have stated, which we had some hopes might cease to exist by means of some amicable arrangement; and for my part, both from natural feeling, and from a desire for avoiding greater evils, my attention was employed in consulting by what means we might arrive at such a result.

Q. 316. Tell me briefly, what other affairs, intercourse or dealings there were between Mexico and the United States, in April and May, 1846?

A. Those of negotiation, which even in moments apparently of utter despair, may be had recourse to, when there is a sincere desire of profiting by it.

Q. 317. Through whom were those negotiations conducted at that time?

A. Through Mr. Slidell, who was Minister Plenipotentary of the United States to Mexico. He first resided in the City of Mexico, and afterwards in Jalapa; and although some difficulties had been started on account of his reception in the

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character he was anxious to present himself, which gave rise to further disagreeable communications, still it was to be hoped that, waiving that difficulty, any arrangement which had taken place, might be arrived at afterwards.

Examination adjourned until to-morrow, at 12 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, September 13th, 1859.

Cross-Examination of J. M. de Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy of counsel for claimant, and Messrs. Randolph and Sloan for the United States.

Q. 318. Did you ever see Mr. Slidell?

A. Yes, sir.

Q. 319. When and where?

A. I was introduced to him in Jalapa, in the month of November, I think, 1845.

Q. 320. When and where after that?

A. I do not recollect seeing him after that.

Q. 321. Under what circumstances did you meet in Jalapa?

A. On my journey up to Mexico.

Q. 322. Which way was Mr. Slidell going?

A. I understood that he was going to the capital.

Q. 323. Then you were both going to the city of Mexico?

A. Yes, sir.

Q. 324. What was your business at the City of Mexico, at that time?

A. I was going as member of Congress for Vera Cruz.

Q. 325. Did you take your seat in Congress; how long did you continue to hold it; and what was your next business?

A. I did take my seat, but held it only a few days, as almost at the commencement of the ensuing year I was appointed Minister of Relations.

Q. 326. Then you held your place in Congress from the time of your arrival, about the month of November, 1845, until you assumed the office of Minister of Relations in the Cabinet of Paredes?

A. The Congress did not meet till some time in December, and as far as I can recollect, did not transact any business of importance, on account of the revolutionary state of the country, and the approximation of Paredes' army.

Q. 327. But you remained at the Capital from the time that

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you entered the Capital up to the time you entered into office as Minister of Relations?

A. Yes, sir.

Q. 328. About what time did Congress meet that year? About what time did you take your seat?

A. The Congress met, I think, about the 6th of December. I do not recollect when I took my seat.

Q. 329. About how long after the meeting of Congress?

A. I really cannot say when it was, for as it could not be expected that that Congress should be able to continue many days more, it may be said there could scarcely be any particular object, farther than that of complying with a personal duty, in being present.

Q. 330. As your were on the way to the Capital in the month of November, as you think, was there anything to prevent you taking your seat on the day of the meeting of Congress, and is it not altogetner probable that you did so on or about that day?

A. The fact is, that I do not recollect whether I arrived in Mexico in time to do so, as I remained for some days in Jalapa on that occasion.

Q. 331. On what committees were you appointed in that Congress?

A. I don't think that I was appointed to any committees.

Q. 332. Was it not customary in the Mexican Congress, at that time, to assign the members to various committees.

A. It was; but, as I said before, I don't know that, after my arrival in the Capital, any business of importance was transacted, or could be expected to be transacted in Congress.

Q. 333. You are well acquainted with the organization of the Mexican Congress at that date, and their manner of doing business, are you not?

A. I did take care to provide myself, at the time, with the Reglamento of that body, so as to be able to fulfill the functions according to it, should Congress exist.

Q. 334. Can you not tell me now, what was the organization of the Mexican Congress when you were a member, in December, 1845?

A. Its members were distributed into a certain number of committees, for the dispatch of business appertaining to each of them, according to their respective branch, in the affairs of general administration. These committees presented their reports to Congress, which would not be deliberated upon until the second reading of them; they generally included one or more resolutions which, if admitted by the Congress, were discussed, and either approved partially or totally, or thrown out



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altogether, or finally sent back to the committee, in order that it might reform or present anew, in a different point of view, their report.

The matters that generally should form subjects for these reports, originated either from some measure proposed by the Government, or by some resolution presented by one of the Deputies himself. Whenever it was considered that it was a thing of obvious resolution, it was acted on immediately; when not, it was sent to the corresponding committee. These are, I think, the principal features of the Reglamento I spoke of, and there were some other articles relative to the interior management of affairs in the Congress.

Q. 335. These things you learned in 1845, from the Reglamento of which you speak?

A. As far as I can recollect.

Q. 336. Of how many separate bodies did that Congress consist, and by what names were they known?

A. Of two bodies: Chamber of Deputies, and Senate.

Q. 337. Of which of these were you a member?

A. Of the first, to wit, Chamber of Deputies.

Q. 338. What was the name of the presiding officer of each of those bodies at that time?

A. He was entitled "President." I do not recollect the names.

Q. 339. Do you mean that you do not remember the name of either the President of the Chamber of Deputies, or the President of the Senate, in the year 1845, when you were a member of Congress?

A. I do not recollect their names; for I do not recollect that any business of importance was transacted in either the one or the other of them during their existence at that time. The public mind was so much agitated at that precise period, that no business could be attended to whilst it lasted.

Q. 340. How were the principal standing committees of the two chambers of that Congress entitled, respectively?

A. They took their titles from the principal branches into which the public administration was itself divided; so there was a Committee of Relaciones so called, another of Justice, another of Hacienda, or Finance, and another of War. These were the principal committees.

Q. In both Chambers?

A. I always understood that it was the same.

Q. 342. Have you not a distinct recollection or knowledge how the committees were entitled in both Chambers?

A. I have a distinct recollection that the principal committees used to be called by the same name in both.

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Q. 343. Mention the names of the chairman, or of any distinguished members of each or any of the standing committees of either Chamber of Congress?

A. As I don't recollect that those committees were organized in that Congress, I cannot mention any of them.

By consent, examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Sept. 14, 1859.

Cross-Examination of J. M. de Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Messrs. Randolph and Sloan, for the United States.

Q. 344. Have you by reading or conversation refreshed your memory of the Mexican Congress of 1845, since the adjournment on yesterday?

A. I have not spoken to anybody that could give me information on the subject, nor have I seen any journals or work, where I might get such information.

Q. 345. Do you mean that you have conversed with no one on the subject of the Mexican Congress of 1845?

A. I have spoken on the subject to say that I have been questioned about it.

Q. 346. At that time were you chosen a member of that Congress?

[The witness desires to state that by conversing on the subject of the Congress, he has refreshed his memory, and from the circumstances he recollects, is led to conclude that he must have taken his seat in it in the last days of its existence, since he has remembered to have been present at one session, seated next to another member from Vera Cruz, and that Mr. Luis de la Rosa presided on that occasion—the name of the aforesaid member is Gonzalez de la Vega—: consequently the committees must have been named by that time, though he (the witness) does not recollect to have heard anything said about them, or of any measure or resolution having been presented after his arrival which could call for a report from any of them.]

Q. 347. All these things are brought to your mind merely by the fact of conversing with some one since the last adjournment, and not by a suggestion made by the person with whom you conversed?

A. I can positively say that it has been so.

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Q. 348. Why do not my questions revive your recollections, as well as conversations with other persons?

A. Because in conversation you have more time to collect your ideas on any given subject, and I may here state that I have in the same manner, not precisely in conversation, but in reading over former testimony brought to mind things which I did not recollect at the moment of being questioned.

Q. 349. This examination is conducted in a very deliberate manner, and I think affords you ample time to collect your thoughts; however, you will henceforward understand that you may take what time you desire to give your answers:

Please now answer question 346.

A. I beg to state that I cannot complain of want of time to give my answers, as the recollection of the things that have come to my mind after any of the examinations, may at times have depended in a certain measure on mere incidents.

With respect to the question that has now been put to me all I can answer is, that what I can recollect on the subject is that the Prefect of Vera Cruz came to visit me some day in October of that year, and to deliver to me the communication which he had received for that purpose, in virtue of which I was informed that I had been chosen a member of Congress for the Department of Vera Cruz, an event so unexpected to me at the time that I could not imagine what to attribute it to.

Q. 350. In what manner were you chosen?

A. By the Electoral College that met for the purpose of those elections in Jalapa or Huatusco, I don't remember which of the two.

Q. 351. Was that the time of the general election throughout the Republic for Deputies, or was it a special election?

A. I think it might be considered as a general election, and not a special one.

Q. 352. Why do you say "I think"; don't you know whether that election took place throughout the Republic, or only in the Department of Vera Cruz?

A. I think it did take place throughout the whole of the Republic, and so far it was a general election, but as some time in the foregoing year there had been a revolution in Mexico, in consequence of which General Herrera had become President, I don't clearly recollect whether the former Congress had completed its term or not, and this want of recollection proceeds from not having anything to do in politics for some years before, during which I resided at some distance from the Capital, in Vera Cruz.

Q. 353. Who was your immediate predecessor in the office of Deputy of the Mexican Congress from Vera Cruz?

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A. I doubt very much if I ever knew at that time who they were, because, as I said before, not having taken any part in politics in those years, I did not pay attention to the names of persons entering into office at the time, and this is one of the reasons why my new appointment to the Congress surprised me so much, as I said before.

Q. 354. If I had been elected a member of Congress of the United States a few days ago, and you would ask me who my predecessor had been, and I had replied that I had been out of public life for several years, practising law or engaged in other private business, and therefore, did not actually know the gentleman's name, what would you think of it?

A. I think that in order that the comparison may hold good, it would be necessary for both to be placed in the same circumstances, but there certainly can be no comparison between a government officer or *Empleado*, in a country distracted by internal revolutions and frequent changes, and the same *Empleado*, in a Republic that has for years enjoyed the benefits and blessings of a well established government, and good laws, and where it scarcely appears profitable to imagine that any citizen, whether directly interested in politics or not, can be ignorant of the march of public affairs as well as of the names of the persons who figure in them more or less prominently. Order brings with it naturally that great and general interest, and that zeal for everything that may contribute to it, whilst a state of circumstances such as I have described with reference to my own country, can only produce a desire to bring about that order to which undoubtedly every citizen should contribute as far as in his power, and to which I consider that I did contribute, by limiting my attention, rather than to the turmoil of the revolution, to the fulfillment of my special duties in Vera Cruz; for I must observe, that when I stated that I had not taken any part in politics, I did not intend that it should be understood that I was in private life, for I was in the service of the government.

Q. 355. What was the name of your associate, if you had one, chosen at the same time?

A. Mr. Francisco de Arrangoiz.

Q. 356. You have not recently seen this book which I hold in my hand, or any copy of the same, entitled "La Republica Mejicana, 1846," on the 41st page of which, under the title of "Vera Cruz," I find two names, D. Francisco Arrangoiz, and D. José Maria Castillo Lanzas?

A. I have not seen the book.

Q. 357. On the 114th page of this book I find these words, "Secretario del Despacho de Relaciones Exteriores, Goberna-

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cion y Policia, El Exmo. Señor Don Joaquin Castillo Lanzas," which of these names is yours?

A. The second, though not full.

Q. 358. What part is lacking?

A. The name "Maria" after "Joaquin."

Q. 359. Don Joaquin Maria Castillo Lanzas, of the Cabinet of Paredes, is therefore the same person as Don José Maria Castillo Lanzas, who in December, 1854, was a deputy in the Mexican Congress for Vera Cruz, and you are the individual intended by both of those names, and who held both of those places?

A. Just so, sir, as I have no doubt that I did hold both of those places.

Q. 360. I understand your last answer to be a positive and unqualified affirmation, that you are the same person who held the position of Deputy in the Congress, and the office of Secretary, etc., as just given, in the Cabinet of Paredes, and that there is an error in the compilation of their book, insomuch as the name of the Deputy and the name of the Secretary are differently printed?

A. There is no doubt that the name José is a mistake, but one which has been frequently committed, and which error, attributing it as I did to my signing my name "J. M." and not the full name "Joaquin," I have in these last years adopted the custom of putting the name of "Joaquin" in full in my visiting cards, in order to avoid as much as possible the repetition of it. In Mexico the initial "J," by itself, is almost universally taken for José, which is the most common name.

I know, beyond the shadow of a doubt, that it is the same person.

Q. 362. The form of your answer requires me to call your attention to the question, which is not "is it the same person;" but, "are you the same person?

A. I answer affirmatively now in the first person, that I am the same person who held both those positions, and that I know positively and beyond the shadow of a doubt, that I did hold them in the years 1845 and 1846 respectively.

Q. 363. At the same time that you were Deputy from Vera Cruz, how many Senators were there from Vera Cruz, and who were they?

A. I do not recollect who they were, nor how many.

Q. 364. Was there any difference in the manner of electing Deputies and Senators; and if so, what difference?

A. According to the Federal Constitution, Senators were elected by the Legislatures; but according to the one existing in 1845, though I did not pay attention to it, I think that the

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election was made by the Chamber of Deputies, the Executive, and the Supreme Court of Justice; however, as I have said, this is only an impression, for in the few days I had been in Mexico, I had not yet turned my attention to that subject.

Q. 355. You speak of the Constitution prevailing in 1845. What Constitution was that?

A. The one known under the name of "Bases Organicas."

Q. 356. Under what law was the Senate organized during the session of 1845, at the time when you were a member in the Chamber of Deputies?

A. It could not have been under any other than that contained in the Constitution I have mentioned.

Q. 357. Was there no law of the year 1845, affecting the organization of the Senate?

A. No law properly so called. There may have been, and I think there was, what is called a Ley Reglamentaria, and that is precisely the one to which, as I have said before, I had not yet turned my attention; of which indeed I had no longer any need, since, in consequence of the revolution just concluding or near its termination, an entirely new Constitution was to be formed.

Q. 358. Of about what date was that Ley Reglamentaria. Explain what you mean by those terms?

A. I cannot bring to mind anything relative to the date, and as to Ley Reglamentaria, it strikes me that the word which comes nearest to it in English, is "By-Law."

The object of those Leyes Reglamentarias is to prescribe the particular manner, form, time, etc., of the execution of a decree or law, and it is the Executive who forms and issues these Leyes Reglamentarias, or By-Laws.

Q. 359. It is then in its nature inferior to a law, and of course still more so to a provision of a constitutional nature?

A. In a certain measure I have considered it as inferior in its nature, but at the same time as very necessary for the fulfillment of a law, or a provision of a constitutional nature.

Q. 360. At what time did Gen'l Herrera become President?

A. About the end of 1844, if I recollect right.

Q. 361. Did he hold office from about the end of 1844 until Paredes took the Government, about the beginning of 1846?

A. He did.

Q. 362. Is your recollection at all clear upon that point?

A. As far as it serves me, I think I can affirm it positively.

Q 263. In what manner was Herrera chosen President?

A. As this was the effect of the revolution, which I think I have stated before had happened when I was at Vera Cruz, and paid no attention to political matters, I may not speak

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with so much confidence on this part of the subject, but from the impression I have of it, I think that he at first became President by the revolution against General Canalizo, who held that post for General Santa Anna, who likewise fell on that occasion, and that he a short time afterwards was elected President by Congress.

Q. 364. Was it by Congress that he was elected?

A. That is my impression, as I have said.

Q. 365. Was it not by the Departmental assemblies, and not by Congress?

A. As I speak merely from impression on this subject, for the reason I have before stated, I cannot be positive in what I say referring to it, but I still think that he was elected by Congress.

Q. 366. Then you think there is an error in this book, "Republica Mejicana," to which I have before called your attention; to wit, on the 85th page, where it is stated that Herrera was elected President by the vote of the twenty-two assemblies which voted (Tobasco not having voted, on account of revolutionary disturbances)?

A. I could not say that there was an error in it, since I must repeat that I cannot speak positively on the subject; but considering well the case, I think we are both right—the book and myself—that is to say, General Herrera was elected first by Congress, and subsequently by the assemblies.

Q. 367. According to your recollection, Herrera was elected President in 1844, if I understand you?

A. The revolution took place towards the end of that year; but I think that the election of General Herrera did not take place until the beginning of the next.

Q. 368. Which election do you think took place the next year—that by the assemblies, that by the Congress, or both?

A. I think that both, for the revolution must have happened in December, and although it was time even then for the first of the two elections to have taken place, I am rather inclined to think not.

Q. 369. About what time is it your recollection that this double election took place?

A. If my impression is right, the first election took place either at the termination of 1844, or, as I before said, at the commencement of the next year, 1845, and the election by the assemblies could not have been till some months after granting the necessary time for giving the orders to that effect.

Q. 370. Say about what time, according to the best of your recollection?

A. According to my recollection, I should say about three months.

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Q. 371. When, after that, according to your recollection, did General Herrera become President by virtue of the election?

A. Granting three months for the election, it must have been about April.

Q. 372. I mean when, after that, was he declared President and entered upon his duties? Answer according to the best of your recollection, and say whether it is distinct.

A. My recollection on this subject is by no means distinct, for the reasons which I have before stated, and on account of which I have not been able to assert positively anything on this matter. That General Herrera continued occupying the post of President from the moment that he entered into it, in December, 1844, until the conclusion of the same month the next year, appears to me very certain; but the formal declaration of the result of his election, I don't think could have taken place till about April, as I have before said.

Q. 373. Is that your best recollection concerning that event?

A. It is my best recollection, yet, as I said before, of events on which I did not fix my attention at the times at which they occur, further than was absolutely necessary or unavoidable that I should.

Q. 374. Yet this book to which I have before referred you, —Republica Mejicana, etc., page 85,—may be altogether correct in stating that Herrera was declared President on the 14th September, 1845, and entered upon his office on the 16th of that month?

[Counsel for the U. S. exhibits the said book to witness.]

A. It may, as to the declaration; but I have very little doubt still, that he was first elected by the Congress, the moment the revolution was quelled, and that he continued to be President from that time until the termination of 1845.

Q. 375. You have no doubt, after seeing the book, that he was installed in office as President, by virtue of the election by the assemblies, and on the 16th of September, 1845?

A. That may have been the case, so far as the ceremony of the installment may have been concerned; but a new circumstance occurs to me at this moment, which convinces me that I have been right in stating that Gen'l Herrera was in power from December, 1844, and this circumstance I allude to is, that the administration was known in Mexico, in familiar conversation, by the title of "Administracion Decembrista."

Q. 376. I am not questioning the time that Herrera first overthrew Canalizo, and came into power. I wish to know whether you now have any recollection of the fact, that he was declared President, and installed as such, by virtue of the election by the assemblies, and in the month of September, 1845?

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A. I can only speak from recollection, notwithstanding the reason I have mentioned, of his having been in power during the time I have stated, but cannot venture to say whether what is mentioned with respect to his installment be correct or not.

Q. 377. Do you know of any change in the Constitution having been made by Herrera; and if so, when?

A. I cannot say that I do, at least that I have any immediate recollection of it; but it is very possible that he may have made some modification or change, which may not have called my attention at the time.

Q. 378. What do you mean by "immediate recollection;" give me whatever recollection you have on the subject?

A. I mean that nothing occurs to me at this moment on the subject; but I beg leave to call attention to what I have before said, that during the last years, that of 1845 inclusive, except a few days, I was distant from the capital, and had nothing to do with political affairs.

Q. 379. Then you have no recollection, that in the Congress of 1845, of which you were a member, the Senate was organized in conformity with a constitutional reform, of date the 25th September, 1845, as stated on the 45th page of this book, which I have shown you?

[Counsel for the U. S. exhibits the said book, Republica Mexicana, etc.]

A. In my answer to one of the former questions this morning, I said, if I mistake not, that when I arrived in Mexico, in December, 1845, I had not yet turned my attention to the organization of the Senate, and that in the course of a very few days after that, it became quite unnecessary, as by the revolution, which was achieved in those days, a new constitution was about to be formed. This is the reason I can give for not having been able to have any recollection of the aforesaid constitutional reform.

Q. 380. In what part of Mexico could it be, and under what circumstances, that a man who had been twenty years in public affairs, would not hear, and fix his attention upon, the fact that the existing constitution of his country had been reformed, and the organization of his Senate had been changed?

A. In such circumstances as I have before described, that Mexico has found itself in, any change of that kind would, no doubt, and most reasonably, call the serious attention of all persons, without exception, in a well ordered and perfectly tranquil country. In my own country, I am sorry to say, such changes cannot produce such a general sensation, but must be in a great measure limited to those whom they may affect im-

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mediately, for one strong reason among others, which is, that no person could have any confidence in their remaining in force much time; and with reference to these changes precisely in the constitution, I now will say that they were of but very short duration.

Q. 381. At the time referred to, you were in the public service, as Intendente de Marina at Vera Cruz. A short time afterwards you were a member of that very Congress, and immediately again, Secretary of Relations. How was it that you were not impressed with the fact of which I have spoken, sufficiently to retain some recollection of it now; were you not in a position which should have caused you to note and remember it, as well as any other man in Mexico?

[Question objected to by Mr. Peachy, as irrelevant, and purely argumentative, and as having been already answered.]

A. I answer, saying that in that naval post I had no need of turning my attention to the subject, unless I desired it, but that there could scarcely be such a desire, as I have before stated that no confidence could be placed in the permanency of such changes, and nothing was more distant at that time, even from all probability, than that I should have been remembered, first by my fellow-citizens, and in the second place by the Executive to fill posts in the Administration, which I certainly did never expect to fill, and did not aspire to; consequently, I thought that everything bid fair for my continuancy in that post.

Q. 382. What became of the Congress of 1845?

A. It was dissolved of itself on account of the revolution.

Q. 383. What do you mean by "of itself?"

A. That all the members of it ceased from assembling.

Q. 384. By their voluntary act, or by the terms of the pronunciamiento by Paredes?

A. Not by their voluntary act, but by the terms of the pronunciamiento, and the approximation of the army of Gen'l Paredes.

Q. 385. Had you been an opponent of Herrera, and an advocate of an immediate war with the United States?

A. I had had no share in those questions.

Q. 386. Such being the case, on what grounds were you chosen Minister of Relations by Gen'l Paredes?

A. On the ground of some private recommendation to him in my favor, not for any political opinion, but considering that my services in that coast would be loyal and active; I know that there was a recommendation of that kind from some expression which fell from the lips of Paredes himself, but I

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can positively say that General Paredes did not know me even by sight, nor did I know him.

Q. 387. Do you mean that General Paredes, amid the exigencies of those times, chose, as Prime Minister of his Government (to use your own language), a man whom he did not know by sight, for no political reasons and upon a private recommendation?

A. I can once more assert positively, that he most certainly did not know me, nor I him; of course he had never had an opportunity of judging personally of me; and I could almost, with the same certainty, affirm that had not my name been mentioned to him at that time, and recommended to him, he never would have thought of my person for that post.

Q. 388. Does it not strike you that this mode of choosing a Prime Minister was contrary to the custom and to the necessities of all governments amongst civilized people?

A. I can only say again that what I have stated upon this point is really, positively, and entirely true, and nothing but the truth. I have already said that I could have never myself expected such a thing, and that I was absolutely taken by surprise when General Almonte, already named Secretary of War, came to apprise me of the desire of the President, and interposing his own personal friendship with me, wished that I should accept. It is very possible that he and Mr. Becerra, who had already been named Minister of Justice, may have exerted their influence in my favor, but of this I can say nothing.

Q. 389. How could it have happened that Paredes did not choose the leading members of his Cabinet from men of well known political connections, influence, and opinions, just as the President of the United States, or the British Queen, would choose a Minister of that grade?

A. It is really a thing which I myself cannot explain, as the principal and almost only knowledge they could have had of me as a public man, was at the time that I was President Pedraza's private Secretary, and that I was Charge d' Affaires to the United States, and this was the only ground they could have in Mexico, or at least, so I think, to form any judgment with respect to my qualifications, or to the services that I might be considered capable of rendering. I don't know of any other public post in which I might have been, which could have afforded them an opportunity of forming any opinion with regard to myself.

Q. 390. What was the organization of Paredes' government?

A. Everything was to remain in the same state until a new constitution could be formed, as there was no possibility of making any immediate changes.

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Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, Sept. 15, 1859.

Cross-Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 391. Please mention the titles of all the political bodies of which the government of Paredes was composed?

A. The four Ministries, Council of government and the Supreme Court of Justice.

Q. 392. Who was the presiding officer in the Council of government, and mention the names of some of its most distinguished members?

A. The President was General Valencia, and besides him there was Mr. Larrainzar, General Tornel, I think Mr. Segura and Mr. Aleman; I don't recollect any others just at this moment.

Q. 393. Were you not in daily intercourse with them when you were Secretary of Relations.

A. Not in personal intercourse, but official, which was by notes from the Secretary of Relations to the President of the Council, who communicated the contents to the other members, and replied in writing in the same manner.

Q. 394. In the book "Republica Mejicana, 1846," on pages 114 and 115, you will find what purports to be a list of the members of that council. Look at it and see if you find the names of Segura and Aleman?

A. Of the three first that I mentioned I spoke with confidence, and the other two I could only say "I think," because I had not a distinct recollection.

Q. 395. Please answer my last question?

A. I have not found them, and I explained the reason why I did mention their names.

Q. 396. Do you remember a very important and memorable meeting of the Chamber of Deputies, on or about the 23d December, 1845?

A. From all my recollections, I had not yet arrived in Mexico, or I should certainly have remembered it.

Q. 397. You have no recollection then of an address to the nation adopted by the Chamber, and published on or about that day?

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A. I have a recollection of it, and of its having been signed by the members of that body, as such documents generally are in Mexico; I do not recollect to have signed it, as I should have done had I been in Mexico. I think that at such moments of crisis as those were, had I signed that document, I could not have forgotten it.

Q. 398. What was the tenor of that address, in very general terms?

A. From its general tenor, as far as I can recollect, it might be considered as a protest against the pronunciamiento of San Luis Potosí.

Q. 399. On page 76 of a certain volume filed in this case, marked as "Exhibit Bassoco No. 3, O. H," I find what purports to be a copy of that address, in the first sentence of which Gen. Paredes is denounced as a traitor to his country, and the whole tenor of which is very much the same; do you mean that if you had been at the Capital you would have signed that address?

A. I should have had to sign it in one form or another, for had I considered that my reasons for not signing it were just, I should have formed what is called a private vote, stating those reasons, which, with my signature, would have been published at the same time; but no such document as this last one I speak of was ever published.

Q. 400. On page 71 of the same Exhibit, I find that by the second article of the Plan of San Luis Potosí, that the Chambers, as well as the Executive, were forbidden to continue to exercise their functions; do I understand you that General Paredes chose as his Prime Minister a member of one of those same Chambers, and one who, if he hadbeen at the Capital, would have signed the address to the nation, in which he was denounced as a traitor?

A. I beg leave to state that I said I should have had to sign it in one form or another; that is to say, I should have signed the address, such as I found it, or should have published my private opinion, stating the reasons why I did not do so.

Q. 401. When in your answer to the 397th question you said you would have signed that address had you been in Mexico, you meant only that you would have signed the address, or have signed and published a dissenting note or protest against the address; that is, that you would have been either for it or against it?

A. That is my real meaning, because in the first place I should have acted according to what my convictions might have been at that moment, and in the next place it has been generally the custom when there is a dissenting vote, to join it to that of the majority, so that they would go together.

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Q. 402. Do you remember at that time whether there was a political difference between you and the other Deputies from Vera Cruz?

A. I do not know what a political difference could arise from; what I can say is, that one of them at least, Mr. Arrangoiz, was kind enough to help me when in the Ministry in dispatching some part of the business; that he was on the point of being made by the government of Mexico, Prefect of Mexico, which he was willing to accept, and that he did accept from the same administration the appointment of Mexican Consul at Havana; as for the other member from Vera Cruz, Mr. Vega, whom I recollect of belonging to the Chamber at the time, I don't think that we should ever have differed in opinion, as we used generally to consult together whenever we have been together in the service, and even when we have not been together.

Q. 403. The reason that I have asked you that question is, that I find the name of Mr. Vega signed to that address denouncing Gen'l Paredes. You speak of that gentleman and Mr. Arrangoiz, as having then been Deputies from Vera Cruz with yourselves; do you remember any other Deputy from Vera Cruz at the time?

A. I spoke of those two as the only ones I met at the Chamber when I went, and of course the only ones I could refer to. I know that Mr. Escandon was also named a member from Vera Cruz, but I do not recollect of seeing him in the Chamber.

Q. 404. Do you not find his name also signed to that address?

A. I do.

Q. 405. Can you give me any further explanation why it was that Gen. Paredes selected you, who was the colleague of these two deputies from Vera Cruz, with no known difference of sentiment between you and them, and with views so generally and thoroughly accordant with those of one of them, viz., Vega, and within a few days after they had signed the vehement denunciation of himself, made you Prime Minister of his Cabinet?

A. I can say no more upon this subject, because I really know no more than what I stated yesterday; but I beg leave to observe that when I speak of sentiment in regard to Mr. Arrangoiz, and Mr. Vega, I don't intend to signify political sentiment, for it has been my custom in Mexico, at all times, to respect every one's political opinion, and avoid inquiring what it may be.

Q. 406. During the latter days of December, did there or not exist a difference between you and your colleagues from Vera Cruz, of this nature, to wit; were you in favor of Paredes, whilst they were in favor of Herrera?

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A. With my colleagues, when we met at that time, we used to speak (as I generally do, avoiding opinions) merely on the passing events or the latest news received. Gen. Paredes, who had not yet arrived in the Capital, did not know me yet, personally, and I think that I may safely say that he could not for that reason have thought of me for a Minister, whilst Gen. Herrera had known me personally for years, and honored me with his friendship.

Q. 407. Had you been one of those who approved and supported the Administration of Herrera, up to the pronunciamiento of Paredes?

A. I was not called upon to support it in any way, but being an Empleado of the government as I was, I could not but obey his orders to the last moments of his Presidency.

Q. 408. My question is not as to an obedience, but as to your approval of the policy of the administration, or your opposition in sentiment to the same?

A. From what I stated yesterday, I think it may be deduced that there could scarcely be any ground for my approval or disapproval of that administration; as being engaged, as I said, in the Naval department, at Vera Cruz, and taking no part in political events so far as the administration was concerned, I could form no clear opinion of it.

Q. 409. Were you ever engaged with others in writing a book?

A. Not to my recollection; as the only book I think, which I have published or had any part in, was a collection of poems. in 1835 or 1836.

Q. 410. In Mexico?

A. No, sir. In Philadelphia, United States.

Q. 411. What was the title of that book; was it in English or Spanish, and who was the publisher?

A. The title was, "Ocios Juveniles;" it was in Spanish; I don't recollect the name of the publisher.

I now remember another little work which I published in Mexico, in 1852, or thereabouts, for the use of schools, the title was, I think, "Elementos de Geografia," etc. I do not recollect any other work.

Q. 412. I have here a work entitled "Apuntes Para la Historia de la Guerra, entre Mexico y los Estados Unidos. Mexico, 1848. Tipagrafia de Manuel Payno, (Hijo), Calle de Santa Clara, N. 23;" being in the Spanish language, and edited by a number of gentlemen, amongst whom I find the name of Don José Maria Castillo, are you the same person?

A. I cannot be, as I have not the least recollection in the world of having ever had any connection with other persons, for publishing a work of this description, or any other.

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The name Castillo is very common in Mexico, and there always have been persons of that name in the army, as General Castillo, who is at present living. During one of the administrations of Mr. Gomez Farias, I was ordered by him to collect documents and write a history of that kind, and he allowed me to have as an associate in the work, at my request, Mr. Manuel Larrainzar; he gave orders that the archives should be at our disposal, but a short time after, hostilities commenced with the United States, and we did not commence the work. This order I received from Mr. Farias, by his Secretary of Relations at that time, Don José Fernando Ramirez.

Q. 413. When did you receive that order; about what time?

A. It was I think between the end of 1846, and the beginning of 1847, as far as I can recollect. I think I may safely say it was in 1847, though I cannot be positive.

Q. 414. What office did Mr. Farias hold at that time. What hostilities do you speak of; where were you when you received the order?

A. Farias was Vice President at that time, acting as President on account of General Santa Anna's absence from the Capital. The hostilities I have referred to was the war with the United States, which commenced at that time on the coast of Vera Cruz. I was then in the city of Mexico, in private life, assisting only occasionally at the sessions of the Geographical and Statistical Society of which I am a member.

Q. 415. Tell me, if you please, more precisely the nature of the work contemplated by the order of Mr. Gomez Farias?

A. From what I understood, his desire was that we should collect all the documents possible, official and unofficial, that might be relative to what was called the question of Texas, from the commencement of the efforts made in that portion of the country to separate itself from the Mexican government, till the precise time, more or less, in which he spoke; and after we had collected these data, to write a full statement of the matter, according to our best judgment, in order that revised and corrected afterwards it might serve in Mexico as an authentic record; but, as I said, this work was not even commenced.

Q. 416. According to your answer, the order of Farias intended a work very much like this history, which I now put into your hands.

The Don José Maria Castillo mentioned amongst the editors, is not then the Don José Maria Castillo Lanzas, Deputy from Vera Cruz, who appears on page 41 of the "Republica Mejicana, 1846?"



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A. I may positively assure you that it is not me.

In Mexico, even those who make the mistake of putting "José" for "Joaquin," scarcely ever omit the second name, Lanzas; and then again, looking over the list of Redactores which I have before me, I see about eight with whom I never had the least personal intercourse, and have never known them but by name; with the others, there is not one, I may say, with whom I am on terms of private friendship.

Q. 417. I observe, as to the omission of "Lanzas," you observe, do you not, that no second names are given in that list of Redactores or Editors. You do not answer my last question precisely in form, though perhaps you intend to do so in substance. It was, whether the person mentioned among the Redactores was the same who appears to have been Deputy from Vera Cruz. Before concluding your answer, please designate the persons in the list of Redactores with whom you are acquainted, whether they are living, and where they are to be found?

A. I don't see any second name here in this list.

With respect to the second part of the question, I said, I think, that I could positively assure you that it was not me. I now say in answer that I know beyond a doubt that it was not the same person mentioned here who was Deputy from Vera Cruz.

Of the list, I know Mr. Iglesias, supposing that it is the same one who has been Minister of Hacienda. I know likewise Messrs. Manuel Payno, Guillermo Prieto, Napoleon Soborio, Francisco Schiafino, and Francisco Segura, and if this José Maria Castillo should be the Licenciado of that name, whose second name is Portugal, I must say I know him too. Of these, then, I may say that when I left Mexico I knew Segura, Soborio, Payno, Iglesias, and Castillo (supposing them to be the persons I take them for) were all living in the said Capital. I can't say anything with respect to Mr. Prieto, and Schiafino; I really don't know where they are.

Q. 418. How long have you known the Don José Maria Castillo, whose second name is Portugal; mention any circumstance about him that may serve to identify him?

A. I have only known him personally since the latter end of last year, and I was then informed that he was a brother of General Castillo, of whom I spoke before. He lives in the Capital. I have also been told that he is connected, by marriage, with General Robles.

Q. 419. After parting with Mr. Slidell, in Jalapa, when did you next see him again?

A. I have no recollection of having seen him again. We may have met at Mr. Hargous', with whom we were both on terms of friendship, but I have no distinct recollection of it.

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Q. 420. Was he not in the city of Mexico when you were there, in December, 1845?

A. He was there, and it is for that reason that I think we may have met at Mr. Hargous'.

Q. 421. Do you state positively that he was in the city of Mexico at that time?

A. To the best of my recollection, it is certain that he was there the most of December of that year.

Q. 422. On what do you rely as your means of knowledge?

A. On the recollection which I had of his having commenced his official communications with the Mexican Government at that time.

Q. 423. Did that come to your knowledge as Deputy?

A. No, sir, not till I belonged to the Cabinet of General Paredes.

Q. 424. In what manner did you learn it then?

A. From his first official communications to me as Secretary of Relations.

Q. 425. Why did you not learn it from communications which he had before addressed the Government? Did you not find them there in the office?

A. I had not any occasion to see them before I became myself a member of the Cabinet, as I had not occasion either to go into the office before that.

Q. 426. Perhaps you don't understand my question. You said that you learned the fact that Mr. Slidell had commenced his communications with the Government in December, 1845, from the first communication which he addressed to you in 1846; and I have asked you why, instead, you did not learn the fact that Mr. Slidell had addressed communications to the Government in 1845 from those communications themselves, which you must have found in the Ministry, when you entered upon office?

A. I hope that I may be understood now, but must beg leave to say that I don't see what variation or modification I might make in my former answer. I should really be wanting in truth were I to say that I have positively any recollection of having known the fact before I received the first communication from Mr. Slidell. It is very possible that I might have heard of such documents before that time, but I cannot say that I have any recollection of it; and in the office these documents would not be called for immediately, and not probably till they were found necessary to be examined, in connection with those of a recent date.

Q. 427. Can you not with absolute confidence affirm now, under your oath, that before renewing the correspondence be-

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tween yourself, as Minister of Relations of the Republic of Mexico, and Mr. Slidell, as envoy of the United States, you turned to the correspondence which had passed between him and your predecessor, and fully informed yourself of all that had proceeded from either party?

A. I can solemnly assert that I cannot affirm anything of the kind. It would be contrary to my habits of business, the occasion not having yet occurred for examining those documents.

Q. 428. What is it that you mean by "it would be contrary to your habits of business,"—what habit of business?

A. I mean to say that my practice has been to take up things as they are called for.

Q. 429. Were you not daily under the necessity, especially when you first entered into office, of referring to communications received by and sent by your predecessor, relating to unfinished business, which came into your hands as Minister?

A. I do not recollect to have been under that necessity as Secretary of Relations. My first duties at those moments were those that regarded the interior of the country—duties of immense importance, and very urgent at that crisis.

Q. 430. Was not every matter of foreign intercourse, as well as of domestic concern, which the Government of Herrera had in hand, suddenly and abruptly brought to a close by the revolution of Paredes?

A. I am not aware that it was.

Q. 431. How could it have been otherwise, when the new Government was installed in the interval of the two governments, short as it may have been?

A. No doubt it might have produced that effect, but I must beg leave to repeat, that I am not aware that it did produce it. In the interior of the country, as must be the case in such circumstances, there might have been some authorities who might not have wished to continue under the new order of things.

Q. 432. It seems that you did not understand the question. I mean, whether all the business of the country, whether foreign or domestic, which your predecessor had in hand, was not suddenly and abruptly brought to a close by his being turned out of office; and whether, when you came into office, and had to resume the consideration or discussion of any of these matters, foreign or domestic, you were not continually obliged to refer to papers in the office, and inform yourself of the contents of communications which had been sent or addressed to your immediate predecessor?

A. I really cannot say, sir, that they were brought to a close. There was a suspension, which did not depend on the office,

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as it was ready from the first moment to attend to any business its attention might have been called to. No doubt it was frequently necessary to read former documents, as containing the leading matter for new communications, but this is a custom that some Secretaries of long standing have often considered most convenient to observe, in important matters at least, so as not to err in the new resolution on the subject before them.

Q. 433. At the time that you came into office there was a pending correspondence between Mr. Slidell and the Government of Mexico, and, perhaps, also between your Government and the Ministers of France, England, Spain, Central America, and other countries; how could you possibly take up and continue such correspondence without fully informing yourself upon all that had gone before?

A. I did take up such correspondence as it came, and then, in due time, endeavored to study the particular subject or question to which each of them might refer.

Q. 434. What do you mean by "as it came?" Was it not your first indispensable duty, immediately upon your entering into office, to look and see what business was on hand, pending and unfinished, what was the condition of each separate affair, and what had been done in it, in order that you might know what yourself had to do, and when it was to be done?

A. What, according to my manner of doing things, I thought my first and most indispensable duty on that occasion, was to restore order and tranquility in all the Departments of the Interior. In point of foreign affairs, I know very well that any Diplomatic Minister who might have an important subject pending in the office, would avail himself of the opportunity of his customary visit, on my entering into office, to hint the desire he had of its being attended to; or, should he not be in the Capital, he would not fail, as soon as he deemed it convenient, to call my attention to it in writing. This is the system I followed on that occasion, and I don't know that any Minister had reason to complain of his not having been attended to, or any important matter in due course, as far as that depended on me.

Q. 435. It is your recollection, then, that of the fact of Mr. Slidell's having communicated with the Government in December, 1845, you had no knowledge whilst you were a Deputy in the Congress, and learned nothing from the correspondence of your predecessor, remaining in the office, at the time that you entered it, nor until afterwards, when Mr. Slidell first addressed his communication to yourself?

A. I affirm that I have no recollection of the fact stated in

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the question, as a fact, and much less of having acquired any knowledge of the contents of the communications between my predecessor and Mr. Slidell, until the time of the reception of this gentleman's first one to the Ministry. That is my impression.

Q. 436. Is not the necessity for a Minister to refer to the correspondence of his predecessor so constant, of so constant a recurrence, that the Minister must know who his predecessor was, just as well as he knows that he was Minister himself?

A. No doubt, sir; and had I heard the name of Mr. Slidell mentioned, in connection with that of my predecessor, when I was asked a few days ago who he had been, instead of the answer which I then gave, I would have instantly said, "Mr. Peña y Peña." I took up the question connected with other ideas, and that made me lose the recollection of it at the time.

Q. 437. It is wholly owing to the mention of Mr. Slidell, and not to any reading or conversation, that you are now able to say that your immediate predecessor, in the office of Minister of Relations of the Republic of Mexico, was Mr. Peña y Peña?

A. Yes, sir; and the name came to my memory since the first time that Mr. Slidell was mentioned the other day, in connection with this gentleman's visit to Mexico.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., September 16, 1859.

Cross-Examination of J. M. Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

At request of Mr. Randolph, examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Sept. 17, 1859.

Cross-examination of J. M. Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, for claimant; Mr. Randolph, for the United States.

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Examination adjourned by consent, until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Sept. 19th, 1859.

Cross-Examination of J. M. de Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; Mr. Randolph and Mr. Sloan, for the United States.

[The witness desires to make a correction in his last two answers, which were made entirely according to his impression at that moment, as it is very true, as he then said, that whenever the name of Mr. Slidell has occurred, it has brought to his recollection that of Mr. Peña y Peña, and he thinks that had the first gentleman's name been mentioned in connection with the second, when the question was put to him with reference to who his (the witness') predecessor was, he would have remembered it, but that his want of recollection of his name proceeded, among other reasons, from the circumstance of Mr. Peña y Peña's having retired from the Ministry some days previous, and the Ministry remaining under the charge of the Oficial Mayor, who was the person that introduced him (witness) to the gentlemen of that office. Since the last questions were put to him, he has been considering very carefully, if, taking all things together, his answer was perfectly correct, and his object now is to state that as far as the name of Mr. Slidell is concerned it is so, but that some doubts having started up in his mind, as to whether his memory may not have been aided by his having seen, though not read, a printed copy of the communications between Mr. Slidell and the Mexican government, this did not contribute to a recollection of Mr. Peña y Peña.

The witness desires these statements to be made, on account of the doubts which he has spoken of, that none may remain on the mind as to his veracity in his testimony.]

Q. 438. What is there in the name of Mr. Slidell, which should or could suggest to you the name of your predecessor in the office of the Minister of Relations in the Republic of Mexico, more than in the name of Herrera, and other distinguished Mexicans in office at that day, or in the mention of the great political facts which had occurred in the contemporaneous history of your country?

A. I will endeavor to explain it. I mentioned, the other

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day, that during the administration of Gen'l Herrera in Mexico, I took no part at all in political affairs. I heard then of the changes of the Ministers, because I think that these changes occurred several times during his administration. Mr. Peña y Peña came in, in one of these changes, if I mistake not, and when I might have had an opportunity of transacting business with him, in his character of Minister as a member of Congress from Vera Cruz, Mr. Peña y Peña retired from office on account of the revolution, and, as I said before, left it in charge of the Oficial Mayor, who was the person that received me on entering into office; consequently, there were no particular facts or circumstances that made me remember the name of Peña y Peña in connection with Gen'l Herrera. But in reference to Mr. Slidell the case varies. I knew Mr. Slidell as Minister Plenipotentiary appointed by the Government of the United States to Mexico, the object of his mission being to enter into negotiations with the Mexican government. Thus I could not remember Mr. Slidell without remembering his first communication in Mexico, as an opening to his negotiation; and that first communication naturally brings with it the remembrance of Mr. Peña y Peña, to whom it was directed. Hence it is, that in my mind, the remembrance of Mr. Peña y Peña is very clear in this last case, and not so in the first.

Q. 439. Let us change the circumstances a little; suppose that you in Mexico were examining a witness who was entirely unknown to you, but said that he was Mr. John M. Clayton, and had been Secretary of State under President Taylor, and that after questioning him about President Polk and his administration, and the events of that time, you had asked him who was his immediate predecessor in the office of Secretary of State, and he had answered that he could not tell, because when he came into office he found the chief clerk in charge of the office and had no occasion to know, and that some days afterwards, upon the mention of the name of a certain foreign Minister, your witness should recollect that the name of his predecessor was James Buchanan, and give as his reason that he then remembered to have seen a communication from that foreign Minister, addressed to his predecessor as James Buchanan, by name; what would you think of that witness and his testimony?

A. Before forming my opinion on the subject, I would endeavor to place myself precisely in the situation in which that witness might have been, either from personal circumstances, or those of the country in which he resided. I must beg leave to say, that no judgment can be formed of the situation of Mexico, or of that in which persons at times find themselves, if the politics of any other country are to serve as a standard to form

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that judgment. Thus, in the present case, I hardly think there can be any comparison between the state of a country harassed by continual political convulsions, by incessant changes in authorities, supreme and local, in which changes few can take any interest who may not be concerned in them, and another country in which it would be almost unpardonable not to be well acquainted with the changes brought on, not by revolutions, but by the laws and according to the laws, and not at irregular and unequal periods, but at those prescribed by the Constitution and the laws—thanks to the existence of a well organized and firmly established government. But in a country in the condition which I have indicated my own to have been in, and the peculiar condition which I was personally said to have been in myself, it would be really surprising that I should have a clear remembrance of persons acting under an administration, of whose acts and changes of Ministers I knew but little or nothing at the time, and that I should not have a clear recollection of one with whom I had to transact business of the greatest importance, in which another person with whom I had had no connection had been as intimately connected at a former period. Judging thus—calling to mind all the necessary circumstances to form a correct judgment—it appears to me that there could be no mistake in this, and at the same time it appears to me equally evident that the two witnesses referred to in this answer, could not justly be judged, placing them on the same footing, while this footing was at the same time so diametrically opposite in the one with respect to the other.

Q. 440. If I understand your last answer fully, the difference in the political condition of Mexico and the United States is so very wide that it is impossible for us to test your statements by the rules of our own experience and ordinary judgment, and hence that we can gain no light by a cross-examination. Is that what you mean?

A. I certainly could not mean that, for however wide the difference might be, politically, between the two countries, that difference cannot and does not destroy the ordinary rules of reasoning, which may have often to decide in cases in which that difference may be wider or more complicated. I think it is but necessary to fix the attention on the particular situation and circumstances of the person who may be acting as witness, in order to be able to judge with perfect truth and accuracy whether, in that particular condition, he could be expected to possess the same kind and degree of knowledge and recollection which he could command if he had found himself placed in a more advantageous position, or in a different position.

Q. 441. How long is it since you saw that copy of the corres-

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pondence of Mr. Slidell with the Mexican Government, of which you have spoken?

A. I think it was on the same day, from what I have been endeavoring to recollect, in which the question was put with reference to Mr. Peña y Peña's name.

Q. 442. Where did you see it, in what book, and can you show me the book?

A. At Mr. Barron's, in Mr. Lafragua's report. The book does not belong to me; I had it accidentally.

Q. 443. Mr. William E. Barron, one of the claimants in this case; and another copy of the same report, which we have here marked "Exhibit Bassoco No. 3, O. H."?

A. It was Mr. William E. Barron, and this "Exhibit Bassoco No. 3, O. H.," is another copy of that same report.

Q. 444. Please look at the Exhibit just mentioned; say whether you do not find in it on pages from 8 to 41 inclusive, a correspondence between John Black, American Consul at the City of Mexico, and John Slidell, Envoy, etc., on the one hand, and the Mexican Government on the other, on the subject of the annexation of Texas, and the political relations of the two countries growing out of it, including a manifesto, or address, from President Paredes to the Mexican nation on the same subject, and of date, 21st March, 1848?

A. I do.

Q. 445. Have you not been residing in the house of Mr. William E. Barron, since your arrival in San Francisco?

A. I have.

Q. 446. In that correspondence, do you not see not only that John Slidell was the American Envoy and Peña y Peña, Mexican Secretary of Relations, but also by certain documents that Gabriel Valencia was President of the Council of Government, as you testified the other day?

A. Yes, sir.

Q. 447. And on page 38 do you not find a communication addressed by J. M. de Castillo y Lanzas to John Slidell, inclosing him his passports, and dated the 21st March, 1846?

A. I do.

Q. 448. Why then, in answer to question 317, did you say that you were carrying on negotiations with Mr. Slidell as Minister Plenipotentiary of the United States, at the same time that military operations were going on, on the Northern frontier of Mexico, to wit: during the last half of April and the first half of May, 1846, when certain battles occurred to which I had called your attention, and during which same period, the greater part of the various steps concerning Andres Castillero's mine had been taken by your Government?

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A. I perhaps have not been well understood in what I then stated. For my part, I understand that the negotiations were never entirely broken up until actual war (not to take into consideration those hostilities on the Northern frontier) began at Vera Cruz. I considered then, the negotiations as pending, as long as we had not heard the last word from the Government of the United States upon the subject, and so true is this, that some months later, when the administration of Paredes did not exist, another communication was received from the State Department at Washington, proposing to enter into negotiations; consequently, as long as we had not known in Mexico what resolution the Government of the United States might take, on Mr. Slidell's return to that country, and in view of the communications which had passed between the Mexican Government and said gentleman, there was a hope, as I said the other day, that, waiving the obstacle which had caused the immediate difficulty as to the reception of Mr. Slidell in the character of Minister Plenipotentiary of the United States, some means might be found of r turning once more to the way of negotiations, in order to settle any cause of hostility between the two governments, and to avert from Mexico the calamities resulting from war over the whole country. I cherished, in however small a degree it might have been, the hope of seeing things take that favorable turn, whatever the final result might have been afterwards. This is the true sense in which I said what I did say the other day.

Q. 449. I asked you why you said that you were carrying on negotiations with Mr. Slidell in the months of April and May, 1846, when it now appears that you had given him his passports on the 21st March of that year?

What do you mean when you say that you understand that negotiations were never entirely broken up until actual war (not to take into consideration those hostilities on the Northern frontier) began at Vera Cruz?

What do you mean by "actual war?" At what date did it begin at Vera Cruz?

When did you hear the last word of the Government of the United States upon that subject?

Please answer as fully and pointedly as you can, to express what you mean to say.

A. I have already endeavored, in my former answer, to explain what my meaning has been in all that I have said upon this point. It is true that the passports were delivered to Mr. Slidell, but not on account of any result of the principal question at issue; since this, then, was not taken into consideration at all, consequently the principal object of Mr. Slidell's mission,

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as I considered it to be, remained still pending, and in danger of being broken up on account of matter of form as to his reception. I conceived it was very probable, or, to say the least of it, very possible, that the Government of the United States would not on that account break up the negotiation entirely, but might present it again under a form that might not afford any new obstacle or difficulty in proceeding; consequently, I say again that in my opinion the negotiations commenced and carried on by Mr. Slidell had not reached their final result. This has been my meaning all along.

What I have said just now explains the second part of the question, as there were still, if I mistake not, further communications on the subject from the Department of State at Washington to the Mexican Government, so that war did not really and in fact commence till the beginning of 1847, at Vera Cruz. Had the administration of General Paredes remained in power, the new overture for negotiation on the part of the Government of the United States would have been received by that administration, and had I been still then in the Ministry of Relations, I would have considered that new overture as a continuance, and such a continuance as I had hoped it might be, as I mentioned. Before the negotiations recommenced with Mr. Slidell, it was necessary that Mr. Slidell should return to Washington, in order that the negotiations might continue or not, according to the decision of the American Government, and that produced an interruption, but by no means a conclusion or breaking up of negotiations.

I mean by "actual war" the real effective waging of hostilities, and not the declaration of war alone. The war commenced, as I have stated, in the beginning of 1847.

It was not to the administration of General Paredes that the last word, that is, the last communications on the subject, were directed; or rather, I should say, it was not that administration that received them; and I can say nothing as to what may have guided the administration of General Salas in his replies to those communications.

Q. 450. I may with confidence, may I not, ask a man who says he has been twice Minister of Relations, whether battles, invasions, capture of cities, a declaration, and conquests, do not constitute a state of war, and the effective waging of hostilities?

A. They do, sir.

Q. 451. Before the beginning of hostilities in Vera Cruz, in the year 1847, had there not occurred a skirmish, of which I have spoken, on or about the 24th April, 1846; the battle of Palo Alto, on the 8th May, and Resaca de la Palma, on the 9th May, 1846; the passage of the Rio Grande, and the cap-

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ture of Matamoras a few days afterwards; the declaration or recognition of the fact of war by the United States on the 13th May, 1846; the seige of Monterey, with several bloody engagements, and the capitulation of that city a few months after the declaration of war; the conquest of California and New Mexico, and the great battle of Angostura, as the Mexicans call it, on the 22d and 23d days of February, 1847?

How, after all this can you talk about war not having commenced until the year 1847, at Vera Cruz, and of the continuance, or anything like the continuance, of the negotiations between the two countries, which Mr. Slidell had attempted to open?

A. As a matter of course, speaking of negotiations, I can only refer to them, and, indeed, I have only referred to them. With respect to the time that I was Minister of Relations, it was yet time then, by means of negotiation, as I think I intimated the other day, to prevent the continuance of those hostilities, and to bring the differences existing between the two Governments to an amicable arrangement. Had this taken place, as it very possibly might have done, if not under Gen. Paredes' administration, during the period of that which immediately succeeded, many of the calamities that occurred would have been avoided, the hostilities on the Northern frontier would have subsided, and those that successively happened in other parts of the republic would not then have happened. I repeat, then, that in my opinion, confining myself to the only period of which I can speak with confidence, I have said nothing in which the facts may not bear me out, according to the explanation which I have given of my views and personal conduct in the official post which I held during the few months the administration of Gen. Paredes lasted.

Q. 452. Do you not propose to make any answer to that portion of my last question which asks how, under the circumstances therein enumerated, you could say that war did not begin until the operations commenced at Vera Cruz, in 1847?

A. I gave it as an opinion of mine, founded upon the ground that the communications had continued after the administration of Gen. Paredes. It was not, as I have thought, until after these had ceased, without producing any favorable result, that it became necessary to abandon all thoughts of any arrangement at that time, and leave the final decision exclusively to arms.

Q. 453. It is to the same communication, is it not, to which you allude in your answer to question 448?

A. Yes, sir. It is.

Q. 454. The communications to which you refer are the

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same which I find on pages 41 to 46 inclusive, in "Exhibit Bassoco No. 3, O. H.," are they not?

A. The first one is the one that I consider a continuation of the negotiations.

Q. 455. Do you not observe that in that communication, dated 27th July, 1846, Mr. Buchanan, Secretary of State of the United States, speaks of the war then existing, and of a desire to re-establish peace, and that the communication is sent through Commodore Conner, who, you may remember, was blockading the Mexican coast on the side of the Gulf? How, then, can you infer that war had not commenced, or that this communication was a continuance of Mr. Slidell's negotiations?

A. I have admitted all along that hostilities did exist; that the object of negotiations, so far as I was concerned at least, acting as Minister of Relations, was to prevent, if possible, this same calamity from extending to other parts of the country, and the war from becoming general in it. This is, I think, what I have stated relating to this part of the subject.

Now, with reference to the communication from the Department of State in Washington, I can say, that it has positively appeared to me a mere continuation of the negotiations; a continuation such as I might have expected, as I have before said, founded on the circumstance which I mentioned, that the true question at issue had not been touched upon at all. I could not without injustice have supposed, such being the case, that the Government of the United States would not endeavor to bring about the negotiation again, waiving as I said from the commencement the question of mere form, which certainly did not appear to me sufficient motive for cutting off entirely all means of arrangement in an amicable form. It is very true that no mention is made of Mr. Slidell in the communication I speak of, but the spirit and substance of this communication appear to me to manifest its connection with the former communications between the Government of Mexico and that gentleman; and even now, at this distance of time since these things occurred, and recurring once more to said communication, and collecting my ideas on the subject, the truth of what I have stated appears as evident as it would at that time.

Q. 456. I understand the distinction which you propose to take between hostilities and a war. The question which I must press upon your consideration is, whether it does not appear from this communication that not hostilities merely but war in its technical and most comprehensive sense, did not at that time exist between Mexico and the United States; and, as you must know a war puts an end to diplomatic intercourse and breaks up negotiations, how can you persist in

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saying that this communication, forwarded in the midst of a war, and in the hope of bringing it to a close, is, in any sense, a continuation of negotiations which had been commenced beefore the war, and for the purpose of preventing it?

A. I have said so, because such has been and is my opinion on the subject. Had this proposal on the part of the American government came later, I might have supposed it to have been unconnected altogether with the negotiations on the part of Mr. Slidell, but everything has appeared to me always in it to bear the stamp of a continuation of the same idea, commenced when it was proposed to the Mexican government in the name of the American government, to send a Minister to enter into negotiations with it for the amicable arrangement of existing differences. The execution of what was proposed in this case had been interrupted by the difficulty which occurred as to the reception of the American Minister in that character, and consequently there was no reason to take for granted that that interruption should be considered as a termination of the question. The new communication from the State Department abounds in that same idea, in my opinion, and as if the same spirit that had dictated one dictated the other also.

Q. 457. At what period, for example, had the communication come that you would have considered it unconnected with negotiations before the war; and why any more at that period than on the 27th July, 1846?

A. After the bombardment and taking of Vera Cruz, for example, which of itself alone was already a serious loss; and had it came after that time I could not but have considered it unconnected with the former negotiations, but my impression is, that the object in view was precisely what I said at first, to avoid the occasion of these new hostilities in the country, and by means of the negotiation newly proposed, to come to an arrangement between the two governments, that would bring the others to a close.

Q. 458. About what time did you hear of the American declaration or recognition of war of the 13th May, 1846?

A. I don't recollect the exact date, but I think it was in July.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., September 20th, 1859.

Cross-Examination of J. M. Castillo y Lanzas, resumed from yesterday.

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Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 459. You have frequently said that the reason why you were not more familiar with the events of the war—or what you call the hostilities—on the Northern frontier, was that those matters belonged to the Secretary of War, and would only come to your knowledge incidentally; were there not such things as Cabinet meetings under President Paredes?

A. There were, sir.

Q. 460. How were those Cabinet meetings composed, and what the nature of the business brought before them?

A. They were composed of the President and the four Secretaries of State, besides the Oficial Mayor of the Ministry of Relations, who acted as Secretary at those meetings to take down notes of what might be discussed in them. The President had made known to the Ministers from the commencement his desire that they should endeavor, according to their best knowledge, to dispatch as much as they could of the public business that corresponded to each of them, leaving only for the Cabinet meetings those matters which they might consider necessary so to do; and besides that, he allotted certain days in the week for receiving one or two of the Ministers only, in order to transact business solely with him, or with them. Consequently, the subject of these meetings was the one that might be proposed by any of the Ministers to whom it might occur.

Q. 461. Were not the great events of April and May, 1846, on the Northern frontier of Mexico, laid before a Cabinet meeting by Gen'l Paredes?

A. They were laid before the meeting, but not discussed in it, as that would have required a knowledge of those matters which I think I may safely say that no person in the Cabinet but the President and Secretary of War really possessed; and that was the principal reason why, in my opinion, these matters used to be concerted between the two in their private meetings, on which occasions the Secretary of War received his orders directly from the President.

Q. 462. Why were they laid before the Cabinet, if not for the purpose of discussion; what sort of knowledge do you mean that was confined to the President and Secretary of War?

A. They were laid before the Cabinet, seldom in detail, to inform the Ministers of the events which were passing. The knowledge I referred to was, in all that relates to military affairs, military operations, plans of campaigns, etc.; but it was not only during Gen'l Paredes' administration that measures, or, as we call them there, acuerdos, were taken between the President and the Minister, to each of whom that particular

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acuerdo might correspond; this has been the practice of other Presidents likewise.

Q. 463. Have you no recollection of the receipt in the Capital of the news of the battles of the 8th and 9th of May, 1846, the passage of the river by the American army, the occupation of the city of Matamoras, etc., etc.?

A. The recollection I have of them is, that according as the official dispatches were received at the Minister of War's office, they were taken by him to the President to inform him of the contents, and then the President, on the first occasion, communicated them to the rest of the Cabinet, as I have before said, on their meeting. I recollect likewise that they were sent to the official journal, in which they were published, and that any measures proceeding from them were after that subjects of discussion, as I have stated, between the President and Secretary of War.

Q. 464. It seems to me that any man might venture to say as much as that without ever having been a Cabinet Minister, or even in the city of Mexico. I did not ask you whether the Secretary of War communicated his dispatches to the President, and whether they were afterwards printed in a newspaper, but whether you have now a recollection of the fact of the receipt of the news of the events mentioned in the question; please answer yes, or no?

A. Yes, sir; but not a separate and distinct recollection of it.

Q. 465. What sort of a recollection then?

A. Such as I have endeavored to explain in a former answer, that is to say, that events of that character were taking place, and that in proportion as the news were received officially by the Secretary of War, they were communicated to us.

Q. 466. Do you know of any other events or rapid succession of events, the receipt of the news of which could have produced upon the mind of a Cabinet Minister a more distinct, separate and profound impression, than those to which I have called your attention?

A. They did produce an impression, and a strong one, but for reasons which I have alleged, that impression could not be of a character to insure a perfect and distinct recollection, not having entered into the details of each event, but merely taking the general facts as they happened.

Q. 467. When did you receive in Mexico the news of the events to which I have referred you in my former question?

A. The news of these events, so far as I can recollect, were received about the month of May.

Q. 468. Of course the news of the battles of 8th and 9th May, the passage of the river, and the taking of Matamoras,



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must have been received at the city of Mexico in May, but what time—the day?

A. I could have no recollection of the precise date, having never taken any particular notice of it; and, moreover, besides the news upon these, as upon other subjects, communicated by the regular mails, others upon the same subject used to be received by express.

Q. 469. About what day, and why do you mention mails at all; what had the regular means of transmitting letters to do with communications of that magnitude addressed to the Government?

A. Whatever I might say as to the time, or about the time, at which such news were received in Mexico, not having taken any particular notice of that circumstance, as I before stated, would be no more, on my part, than mere calculation, and as such only, I would say, that the news must have arrived the last week of May, from the 22nd to the end of the month. As to the regular mails, I mentioned them because when any events of importance happen, it is very often the case that officials are not satisfied with merely sending express couriers, but avail themselves also of the regular mails.

Q. 470. Upon what do you base your calculation of the time?

A. I have no particular basis for it, because express couriers as well as the regular mails are more or less time on the roads, according to the state of these, on account of the season and from other causes relative to the relay of horses and other incidents.

Q. 471. Can you not venture to affirm particularly, as you were Cabinet Minister at the time, that the news of the battles of the 8th and 9th of May, etc., was expressed to the city of Mexico with extraordinary and all possible dispatch, and that it was received there in five or six days at the longest?

A. That they were expressed I may venture to affirm, but nothing touching the particular number of days.

Q. 472. When the courier arrived with the tidings of two great defeats, and the destruction of a Mexican army, the passage of the river, and the occupation of Matamoras, was not the whole Capital greatly shocked and startled, and have you no distinct and separate recollection of that fact occurring while you were in office as Secretary of Relations?

Also, approximately at least and without resort to general considerations as to the mails, or ordinary couriers, state of the weather, roads, etc., have you no distinct and separate recollection of the time when this fact occurred?

A. Not being in the habit of going much out of doors or

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mixing in society then, or at any other time, my only means of judging of that impression the receipt of that news might have caused in the Capital, could only proceed from that which I observed in persons with whom I conversed at the time, or from what I should have learned from them; deducing from thence my recollections on the subject, I can state with certainty, that the impression was great in the Capital on that occasion.

As to the time at which that occurred, I could not in truth say more than what I have said.

Q. 473. Do you not observe that your impression about the time is exceedingly vague, when you say that it must have happened between the 22d and 31st of May.

A. I have stated the reason for this, as I have said, that I did not take particular notice of that circumstance, nor have I had occasion to fix my attention on it since that period.

Q. 474. A witness without a memory, I need not tell you, can be of very little value, and that in this particular case a recollection of dates is of peculiar importance. I ask you now, therefore, how it is, that you are able to swear that you remember the signing of a dispatch on or about the 23d May, 1846, addressed to the governor of California, and of having inserted in it the communication of Becerra, dated May 20th, 1846, and also remember having received said last communication, and sundry other insignificant particulars concerning the private affairs of Andres Castillero, and yet have not a separate, distinct and personal recollection of the receipt of the news, and of the time of the receipt of the news, of events of the greatest national importance, and of the impression which the receipt of that news produced in the Capital, except so far as you gathered it from your very limited intercourse with society, although at that time, you, yourself, were Secretary of Relations?

A. I have said, that it cannot be expected that I should remember incidents which I did not take particular notice of, not thinking, in my opinion (a mistaken one, perhaps), that incidents of that kind could be so important. Of the impression produced in the Capital, I have said as much as I could say, judging of it according to the only means I had at that time to judge from, that is, the limited circle of persons I had intercourse with, and the reports which I heard from them; and, as I said before, those incidents to which I did not pay particular attention at that time, and to which I don't know that I had any reason since then to have attended to, could not have existed in my mind, and consequently would not here be subjects for recollection; but this cannot be the case with respect to

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other subjects to which I must have attended personally and politically, and to which I may have had occasions afterwards to pay attention to again.

Q. 475. If I understand you, you mean that you retain in your recollection now, those incidents which struck you as most important, and with which you had to do personally; am I right?

A. In most cases I think I do, especially, as I have mentioned, if there should have been fresh occasions of recurring to them.

Q. 476. Hence, you remember better that which relates to the discovery of this vein of cinnabar in California, and Andres Castillero's pretensions thereto, than you do the public events of that day, which were laid before you in Cabinet meetings, and of which I have just now been questioning you?

A. I think that what I recollect of one and the other is as much as reasonably I should recollect of them. In point of time, my recollections are the same in both cases. In point of the precise dates of happening my recollection could not be the same, since one has had to fix my attention and the other has not.

Q. 477. What has happened to fix your attention on the affairs of Andres Castillero, and since what time has it been so fixed?

A. I have had, since the beginning of the month of April of the present year, occasion to see the expediente on that particular subject, and in it I have seen photographed, as the other documents are that I saw, the communication directed by me to the Governor of California on this subject, and by seeing my own signature affixed to that document, and its date,—the 23d of May, 1846,—I immediately knew that I must have signed it that day or the next, so that that date was by that circumstance made familiar to me.

Q. 478. Your attention, then, has been fixed on the affairs of Andres Castillero, since about the time you contracted with Mr. Barron to come to San Francisco to testify? Your recollection has been refreshed by the photograph of the expediente which he showed you? And where is that photograph now?

A. My attention has been newly called to this subject by that circumstance. My recollection was distinct as to the principal facts, and has been refreshed with respect to the precise day, more or less, on which it was signed.

The photograph of the expediente was shown to me, I think, in Mexico, by Mr. Pardo, and I don't know where it is now.

Q. 479. Was any explanation given you on the subject of that photograph; and if so, what was it?

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A. I don't know of any particular explanation having been given.

Q. 480. What did Mr. Pardo say, when he presented it to you?

A. He merely told me what it contained, and what it referred to.

Q. 481. What did he ask you?

A. I don't know that he asked me anything on that occasion.

Q. 482. Did he ask you if that was your signature?

A. I don't know that he did ask, but merely showed it to me.

Q. 483. Did he tell you why he had brought a photograph, instead of an ordinary copy? Did you not understand that it was to show the handwriting and signature?

A. I don't know that he said anything upon the subject. I merely recollect of his showing me the expediente upon that occasion.

Q. 484. Were you not certain, that the only object in having a photograph could be to find out whether that was your signature or not, and to discover the person who had written the body of that paper?

A. I could not be certain, since he said nothing to me on the subject.

Q. 485. Where do you live in the City of Mexico?

A. In the Portal de las Flores, No. 4, which is in the public square,—the Grand Plaza.

Q. 486. How long have you lived there, and do you own the house?

A. I do not own the house; my family has been in possession of it for about five years, they having taken it when I was absent from the Republic.

Q. 487. On your direct examination you said you were to receive what may be estimated at fourteen thousand dollars cash as compensation for your services here—this requires me to ask you what are your private circumstances, if you are a man of wealth, and how much you consider yourself to be worth?

A. A man of wealth I am not; as a Government Empleado, I depend on my salary, which is, as an Intendente in the Navy, four thousand dollars a year for life; but when called to serve in other offices, should the corresponding salary be greater I receive that, and not the other.

Q. 488. Have you no property in lands, goods, and money; if you have any, how much?

A. I have none.

Q. 489. How many times have you been private Secretary, and to whom and when?

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A. Three times to my recollection: the first to Capt. Plarres, commander in the Navy at Vera Cruz, in 1826; to General Pedraza during his administration as President, in 1833; and to General Santa Anna, at different periods in 1828 and 1829, at his farm of Manga de Clarto, near Vera Cruz, and in the first months of 1832, when he proclaimed the revolution of Vera Cruz, against the administration of Bustamente.

Q. 490. Don't you recollect any other person for whom you have been private Secretary?

A. No, sir; unless it may have been incidentally for a few days.

Q. 491. Try again?

A. I have no recollection of anybody else at this moment.

Q. 492. I see in your printed answer to question 4, that you said you were private Secretary to Gomez Farias; how is that?

A. That was an error in print, they having read Farias, instead of Pedraza.

[NOTE BY COMMISSIONER.—It appears by the original deposition, that the witness said Gomez Pedraza, instead of Gomez Farias.]

Q. 493. When were you Prefect of the District of Vera Cruz?

A. From about the end of 1839, till about the commencement of 1842, as near as I can recollect.

Q. 494. Please mention some circumstance of the Pronunciamiento of Santa Anna against Bustamente, which happened in 1832 as you said; what public office was Santa Anna then holding, and where was he stationed or residing?

A. The Pronunciamiento was against the Ministers of General Bustamente, whom it was desired he should remove from office, for not acting in a manner which could give satisfaction to the nation; and the other object was, though not publicly avowed at the commencement, to invite General Pedraza to return to the Republic, and place him in the Presidency, considering that he had been legally elected to that office in 1828. and ejected by General Guerrero in that year, who in the course of the ensuing year was himself ejected by General Bustamente.

Previous to the Pronunciamiento he was residing at his hacienda before mentioned, but held no office.

Q. 495. Mention the names of the Ministers to whom you refer, if you can?

A. Alaman, Facio, Espinosa, and Mangino.

Q. 496. Do you know of a book in this city, where you can find a history of those occurrences?

A. I do not, sir.

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Q. 497. Will it not be found in Alaman's history of Mexico, brought down to a recent date, which can be seen at Mr. Biesta's bookstore, in this city?

A. It may be found there, but I don't know that it extends to that date.

Q. 498. How long was it after that revolution before Santa Anna became President himself?

A. He became President rather more than a year after the Pronunciamiento, that is to say, about the month of April, 1833.

Q. 499. Where were you at that time?

A. That was the time that I was Secretary to General Pedraza, during the short term of his Presidency.

Q. 500. What time did you go to the United States as Chargé?

A. About the same time, and in the same year that General Santa Anna and Gomez Farias became, respectively, President and Vice President.

Q. 501. Who was President of the United States at that time?

A. General Jackson.

Q. 502. Vice President?

A. Mr. Van Buren.

Q. 503. Secretary of State?

A. When I first arrived it was Mr. Louis McLane, and afterwards Mr. John Forsyth.

Q. 504. Do you recollect what were the great political questions agitated in the United States during that time?

A. The question relative to the Bank of the United States, another on a French claim, the merits of which I do not recollect, and latterly the question of Texas.

Q. 505. What concerning Texas?

A. About the acknowledgment of its independence.

Q. 506. What time in the year 1837 did you leave the United States for Mexico?

A. I left in October, but had ceased in the month of April to hold my office as Chargé d'Affaires.

Q. 507. Who was President, Vice President, and Secretary of State, at that time, of the United States?

A. I have no distinct recollection of that period, but I think the President was General Harrison. I have no recollection of the others.

Q. 508. Where were you during the month of March, 1837, and in what office were you employed?

A. I was in Philadelphia, merely awaiting the arrival of my successor.

Q. 509. During the whole of that month of March?

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A. Yes, sir; and even before it; for, if I recollect right, he had received his appointment since the month of December, of the year before, and had written to me from New Orleans, where he resided, requesting me not to go away until his arrival. His name was Francisco Pizarro Martinez; he was Mexican Consul, and had been some time before at New Orleans.

Q. 510. What great public event happened in the United States in the year 1836?

A. I don't recollect any particular event other than those I have mentioned.

Q. 511. Do you remember meeting a very distinguished person in the United States, under peculiar circumstances, in 1836; if so, where?

A. I do not recollect of having personally met with any such personage.

Q. 512. Where was your residence in 1836, what city, what street, and, if you can remember, what number?

A. Philadelphia, Fourth street; the number I do not recollect.

Q. 513. What were your duties as Chargé d'Affaires?

A. To attend to the prompt dispatch, and to the best of my judgment, of all the affairs between the Mexican government and that of the United States, intrusted to me for that purpose; and to cultivate, as far as on me depended, amicable relations between the two governments.

Q. 514. With what officer of the Government of the United States did you communicate, and was there any other Mexican diplomatic representative in the country at that time?

A. I communicated always with the Secretary of State, and there was, at that time, no other Mexican Minister in the country.

Q. 514*b*. Do you remember any remarkable event happening in the United States in the month of March, 1837; if so, what?

A. I recollect none, unless I except the fire in the capitol, though I am not sure it was there either.

Q. 515. Why did you prefer to live in Philadelphia?

A. Because I found it a very agreeable residence for my family.

Q. 516. Did not your official duties frequently call you away from Philadelphia?

A. During the sessions of Congress, only?

Q. 517. At that time by what mode did you travel from Philadelphia to Washington?

A. From Philadelphia to Baltimore by steamboat, from Baltimore to Washington by railroad.

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Q. 518. Think of that answer again, see if you want to correct it; if yea, do so.

A. I speak as far as my recollection serves me, except with respect to the road from Baltimore to Washington, which, I think, was not for some time at first by railroad, but by stage coaches.

Q. 519. During the four years that you were in the United States, did you reside all the time in Philadelphia?

A. I did, sir; except, as I have before said, during the sessions of Congress, that I used to be in Washington. In the year 1836 and the rest of the time, till my departure in October, 1837, I do not recollect to have been absent from Philadelphia.

Q. 520. How was the steamboat in the habit of passing from Philadelphia to Baltimore, during your residence in the United States, as Chargé d' Affaires?

A. I do not recollect the names of the waters it crossed.

Q. 521. Do you recollect the fact that you took a steamboat at Philadelphia, and that steamboat landed you at Baltimore?

A. After the lapse of twenty-three years, I cannot speak correctly of that road; but my impression is, that it was not the whole distance from Philadelphia to Baltimore, but that before taking the steamboat we had to go a short portion by land, to a place the name of which I do not recollect.

Q. 522. It is true the time is long and not so important as some others; but as you were in the habit of making this journey for four years, I would ask you whether you went a part of the way from Philadelphia by land and then took a steamboat, and if so, the name of the waters on which that steamboat plied, and whether it landed you in Baltimore or not?

A. In the year 1836, my impression is, as I have before stated, that I did not go to Washington; consequently it is now twenty-four years since I performed that journey, and of it I recollect distinctly, that I went from Baltimore to Washington by land carriage, and a great proportion or most of the road to Baltimore from Philadelphia by water; so that what I really don't recollect is the name of the place where passengers took the steamboat, or the name of the waters.

Q. 523. Is Philadelphia situated on any waters; if so, what name do they bear; and the same of Baltimore?

A. I do not remember the name of the river on which Philadelphia is situated; and the same of Baltimore.

Q. 524. Your recollection of the city of Washington is better, is it not, as to its situation?

A. As far as its topographical situation is concerned it is better, inasmuch that the river that passes there is the Potomac.

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However, on these points what I do not answer correctly must not be attributed to want of memory, but to a carelessness of observation at the time.

Q. 525. What is the reason that you did not visit Washington during the years 1836 and 1837, as you have said?

A. For particular reasons, emanating from the Texas question.

Q. 526. You did not desire, I presume, to offer any slight to the Government of the United States; since, if such had been the feeling at the time probably you would not have remained in the country, nor would your successor have been appointed; would you not, therefore, have visited Washington upon great days of State, if such had occurred?

A. Mr. Forsyth, Secretary of State, was aware of my particular position, and of the state of my health, which was not good at the time; and, consequently, knew well why I could not then, as on similar occasions, leave Philadelphia to be present at those great days of State. He knew with how much pleasure I had always been present on those same occasions.

Q. 527. Do you not remember, early in 1837, some very distinguished occasion, on which you, as the representative of Mexico, might have been obliged to offer those excuses?

A. I cannot imagine what the question refers to.

Q. 528. I refer to the inauguration of a new President?

A. I don't recollect to have found myself in that necessity, since my health had never been very good during the whole of my residence in the United States, particularly from that time to the time of my leaving.

Q. 529. Do you mean that you recollect nothing of the inauguration of a President of the United States in the year 1837, of the month when it occurred, the name of the person inaugurated, of his election, and the time when it took place?

A. I have no distinct recollection, as I did not see it, and have a very faint idea of its having been in the month of March; and as to the name of the Supreme Magistrate himself, though I before said I thought it was General Harrison, my impression at this moment is, that it was Mr. Martin Van Buren.

Q. 530. When and where did you next see General Santa Anna, after leaving Mexico in 1833?

A. I did not see him, until my return to Mexico in 1837, in his hacienda, near Vera Cruz, where he was residing.

Q. 531. Why did you not go to see him?

A. I could not see him till then, because when he was in Washington I wrote to him from Philadelphia that the state of my health would not permit me to go there.

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Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, September 21, 1859.

Cross-Examination of J. M. Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 532. Have you ever lived in any other place in the United States?

A. No, sir; I have never lived in any other place. I have been at New Orleans, New York and Baltimore, merely journeying through.

Q. 533. Mention some of the persons with whom you have been acquainted in Philadelphia, New Orleans, New York, Baltimore and Washington?

A. In New Orleans, the Messrs. Lizardi and Mr. Pizarro Martinez; in Baltimore, the Mexican Consul, Mr. Tiernan; in New York, the Mexican Consul, James Treat, and Mr. Siccard; in Washington, President Jackson, Messrs. Louis M'Lane, John Forsyth, General Cass, Mr. Woodbury, and one or two more of the Cabinet Ministers, whose names I do not recollect; in Philadelphia, the family of General Yturbide, the family of Mr. Cuesta, George Follin, Mr. Bille, who was the Danish Minister, and family, Commodore Stewart, Mr. Head and son, the President of the Bank of the United States, whose name I don't recollect. I don't remember any others at present.

Q. 534. The object of my question is, if possible, to find some one here who has known you at some of those places. Can you not think of any body in New Orleans among the American population?

A. My other acquaintances in New Orleans were of a passing nature, so that I could not name any other than the gentlemen I have named belonging to that city, of whom Mr. Manuel Lizari, at present in the City of Mexico, is I believe an American citizen, and the house was well known for years in New Orleans.

Q. 535. Can you think of no one else in New York?

A. I don't recollect of any more at present.

Q. 536. How often have you been in New York; how long have you staid there at a time?

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A. I have been in New York three or four times, but my longest stay there at any time, as well as I can recollect, has not been over a fortnight. I was there in 1832, and twice in 1833, and during my residence in Philadelphia I think I made a visit of two or three days once.

Q. 537. What time in the year 1832 were you there?

A. About September or October.

Q. 538. What were you doing there then?

A. I went in order to embark in a packet for Vera Cruz, belonging to Mr. Collins—who was another person that I knew in New York.

Q. 539. Where did you go from?

A. From Washington and Philadelphia, where I had been sent to from Vera Cruz by General Santa Anna on a private commission to General Pedraza, who it was thought might be at Washington, but as I found on my arriving was not in that city, but in Philadelphia.

Q. 540. When you were in New York on those occasions, do you remember where you staid?

A. No, sir; I used to go to whatever hotel the Mexican Consul might recommend me to on each occasion, without taking notice of the name, it being for so short a time. In Philadelphia, I stopped at the Mansion House Hotel.

Q. 541. But it was not at the Mansion House that you resided the four years that you were Chargé d'Affaires?

A. No, sir, not at that time; but in 1832 that was my residence.

Q. 542. Did you live in the same house from 1833 to 1837, while you were in Philadelphia?

A. At first I stopped at the same hotel, Mansion House; then for a short time at a boarding house, belonging to an American lady of a French name which I do not recollect, and for all the remainder of the four years I lived in the same house I mentioned yesterday in Fourth street.

Q. 543. Do you remember who kept the Mansion House while you were there?

A. Yes, sir. Mr. George Head, who, as I was told on that occasion, was the first owner of the establishment.

Q. 544. The remainder of the time I presume you kept house yourself, did you not?

A. Whilst I lived in Fourth street I did.

Q. 545. How long was that?

A. Nearly the four years, deducting the few days that I was at the Mansion House, and the short time I was at the boarding house.

Q. 546. Who was your landlord?

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A. A doctor—I think his name was Wood—who lived two or three doors further on in the same street.

Q. 547. Please mention the names of such of the tradespeople with whom you dealt, and such of your private acquaintances whom you can remember.

A. Of acquaintances I had no others that I can remember, except three more that occur to me at this moment—Mr. Frenaye, Dr. Ryder, of Georgetown College, and Rev. Mr. Hughes, at present Catholic Archbishop of New York.

Of tradesmen I recollect no names.

Q. 548. I asked you as to private acquaintances in Philadelphia, of the people among whom you lived?

A. The gentlemen I have named resided in Philadelphia at that time, as well as Bishop Kenrick and his brother, whose names I may add to the list.

Q. 549. What was the occupation of those persons in Philadelphia at that time?

A. Dr. Hughes was curate of St. John's Cathedral; Dr. Ryder, I believe, resided with him, and was sent, I suppose, by the President of his college for some occupation in his profession, which was that of a clergyman. Mr. Frenaye, who had been for some years a merchant in Mexico, continued in the same profession in Philadelphia. The Rev. Mr. Kenrick, the elder, who is now Archbishop of Baltimore, was Bishop of Philadelphia; and his brother, at present Archbishop of St. Louis, Missouri, acted as curate of St. Mary's in Philadelphia.

Q. 550. As you held the honorable and distinguished post of Charge d'Affaires of the Mexican Government, I take it for granted that, to some extent at least, you and your family entered into the refined and hospitable society of that city; if so, please mention the names of some of the families among whom you visited.

A. I have always been, more or less, according to the position I may have found myself in, of very retired habits, and my family the same, so that our circle of acquaintances was always limited, and that of my family more particularly, for not understanding the language of the country, it may be said that their acquaintances did not go beyond the two Mexican families, resident in Philadelphia, I have named, and a friend or two more who spoke the Spanish language.

Q. 551. And thus it is, therefore, that you cannot mention the names of any families of the American population of Philadelphia, with whom it might have been supposed you might have associated during the four years; and that you do remember the names of sundry priests, and have informed yourself even of the rank to which they have risen in the Catholic Church, and the places of their present establishment?

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A. Not having associated with those families, as I have said, and for the reason that I have stated, I could not have the pleasure of knowing them personally, and, consequently, could not mention their names, or anything relating to them. I have named others who were not priests; and such of those that I have named that are priests, I may say that I know that they obtained that high rank because most of them are known in Europe by their reputation, and mention is accordingly made of them in the American papers. It is but a few days ago that, in one of those papers published here, I saw an article relating to the two Archbishops Kenrick. It is thus that I have obtained my information with respect to those gentlemen.

Q. 552. Can you mention the names of any prominent politicians who resided at that time in Philadelphia, and also to what parties they belonged?

A. There was one lawyer by profession, but whose name I don't recollect, nor can I say what party he belonged to.

This circumstance makes me recollect another person of the same profession in Philadelphia—Mr. Dupanceau.

Q. 553. Was not your habit of withholding yourself from private society in the city of your residence, entirely contrary to the custom and usage of foreign Ministers generally?

A. It was, perhaps; but that had been invariably my habit, and perhaps even in the Diplomatic career there may be other exceptions.

Q. 554. Do you not also consider your omission to make the acquaintance of public characters, residing in the same city with yourself, during so long a period as four years, a remarkable and exceptional fact in the career of a foreign Minister?

A. Indeed, sir, I could not determine the case, in this instance, by my own judgment.

Q. 555. When I asked you just now what prominent politicians resided in Philadelphia, during your residence there, and spoke in a tone as audible as that in which I put the rest of these questions, and after the commissioner, at my request, had read the question to you, why did you go on to call the names of Mr. Van Buren, Mr. Webster, Mr. Clay, Mr. Calhoun, and Mr. Benton?

A. I had not, in the first or second instance, understood the question properly. It contained two parts; the first, the names of politicians; secondly, the parties they belonged to. Wishing to fix my attention to these two parts of the question, in order to answer it as well as it might be in my power, and thinking all the time that the question was regarding prominent politicians in the United States, and not in Philadelphia alone, I

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mentioned those names which had been familiar to me during my residence in that country. I did not think that my attention had been called as to the particular place named—that is, Philadelphia—but that when I was asked if I understood the question, it was with reference to particular parties, and that is the reason why I said that I would endeavor to answer the question as far as I could.

I should regret to have committed any impropriety in any respect.

Q. 556. By what names were the great political parties of the United States known, during the time that you were Charge d'Affaires, and resided in Philadelphia?

A. By whatever distinctions they may have been marked, so as to know the one from the other, for my part I never could distinguish them clearly, but by classifying them under one or the other of the general denominations of Federalists and Democrats. Questions of local interests might produce other subdivisions in those political parties, which could easily be distinguished for the time being, but which did not appear to me to be permanent, as the two grand divisions were those which I have mentioned.

Q. 557. I asked you merely by what names the great parties were known in common discourse, and in the newspapers. Please state briefly what those names were, as you heard them at the time that you arrived in the country, and what they were when you left it.

A. I do not recollect any other names at those times, but those I have mentioned.

Q. 558. Have you brought with you to this city any of your papers or correspondence, of the date of your residence in Philadelphia?

A. No, sir. I brought no correspondence at all, nor papers that would give me any light on the subject.

Q. 559. When you were in Washington, in attendance on the sessions of Congress, as you have stated, where did you reside?

A. At Mrs. Ulrich's, opposite to the Department of State.

Q. 560. Where was that, at that time?

A. Very near the residence of the President of the United States.

Q. 561. Did you always stay at the same place?

A. I don't recollect stopping at any other on those occasions, and it is the same house at which Gen'l Santa Anna, on my recommendation, stopped when he was in Washington.

Q. 562. Have you recently seen anything in print, or conversed with any one, relative to the place where Santa Anna stopped when he was in Washington?

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A. No, sir, I have seen nothing about it in print, nor conversed with any one on the subject, for I doubt very much if there is any one among those persons I am acquainted with here, that know anything about the matter; but I recollect very distinctly the letter of recommendation I sent him for Mrs. Ulrich, and that he thanked me in his first letter for the lodgings, which he found very convenient.

Q. 563. Can you remember the year, and what time of the year, Santa Anna was in Washington?

A. In 1836; and I think it was about August or September.

Q. 564. Mention briefly how he came to be there?

A. As well as I can recollect, he went there as soon as he was set at liberty in Texas, where he had been a prisoner under Gen'l Houston, by whom he was taken at the battle of San Jacinto.

Q. 565. Do you recollect just now the alleged cause of the revolt and war in Texas; I mean on the part of the Texans?

A. I don't know of any other alleged cause, which can be said briefly, than that of their wishing to establish in the State a form of government in conformity with the Federal Constitution.

Q. 566. What became of the Federal Constitution of 1824?

A. It had been superseded by that of a central form, in that same year; and this being a period during which I was not in the Republic, and of which I cannot, of course, speak with confidence, for the reasons I have before stated, I could not mention all the circumstances of the case; but I think I may safely venture to say, in general terms, that there had been some revolution in favor of a centralization in Mexico, in consequence of which, the Congress proceeded to form that Central Constitution.

Q. 567. Do you remember now by what name that Central Constitution was called?

A. I think it was called by the name of "Las Siete Leyes."

Q. 568. Was it not known as the "Bases Constitutionales?"

A. It may have been also known under that name, but I think the most familiar name was the other.

Q. 569. If I understand you, you say again that you have not a perfect knowledge of these events because of your absence from Mexico, although you were in the service of the government at that time as a foreign Minister?

A. Yes, sir; and I think I explained the reason for this the other day, in answer to a question similar to this one.

Q. 570. Can you mention the names of any private families with which you became acquainted in Washington, during your residence there as Charge d'Affaires?

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A. I had not the pleasure of meeting those families except at dinner or evening parties.

Q. 571. Mention the names of some of those which you can remember, that you got acquainted with in that manner.

A. It is almost impossible to recollect the names of acquaintances made in that manner. However, I may mention the names of the family of General Cass, which is the only one that I distinctly remember by name.

Q. 572. As the people of Washington are in the habit of showing many courtesies and opening their doors to foreign Ministers, is it due to the same reserve with which you lived in Philadelphia that you did not make their acquaintance, and cannot now remember any of their names?

A. I attribute it exclusively to that cause.

Q. 573. Mention the names of some of the public personages, other than cabinet officers, with whom you formed a personal acquaintance in the city of Washington?

A. Other than cabinet officers, I do not recollect to have made a personal acquaintance with any, except Mr. Adams and Mr. Dickens.

Q. 574. Who was Mr. Dickens?

A. He was, I believe, secretary in the chamber of Deputies.

Q. 575. Of how many chambers was the American Congress composed, and by what names were they known?

A. Of two chambers, the House of Representatives and the Senate.

576. What did you mean just now by "the chamber of Deputies?"

A. I said it unthinkingly from the custom of calling it by that name in my own country, and because the proper name did not occur to me at that moment. I referred to the House of Representatives.

Q. 577. Why did you not form an acquaintance with some of the members of congress, particularly the chairmen and members of those committees which had charge of international affairs?

A. I can mention no other reason for it than that which proceeds from my character of reserve, and that I did not think that there was any particular subject at the time which would make that necessary for me.

Q. 578. For example, when the recognition of the Independence of Texas was under consideration, did you not think that a proper occasion to make the acquaintance of members of Congress, and particularly of the chairmen and members of those committees which would have to make a report upon that question; as the representative of Mexico did you not care to urge reasons against the passage of that resolution?



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A. I really did not think that my duty called upon me to make the acquaintance of those gentlemen for that purpose, and I trusted that, in the course of the debate on the report, all the reasons that I could bring forward as the representative of Mexico against the resolutions would be ably and fully developed by the gentlemen in the chamber who should be opposed to the resolutions proposed.

Q. 579. As you are entirely master of the English language, and held so high a public post, I presume you were in the habit of reading political papers published in Washington during your residence in the United States as Charge d'Affaires. Please mention the names of the most conspicuous of those papers, and also of their editors.

A. I can only mention the names of such papers as I used to receive, and generally to read myself; those were the National Intelligencer, and the Globe, of Washington; the Philadelphia Gazette; the New York Courier and Enquirer, and the Richmond Enquirer; of the editors of these papers, the only one whom I knew personally was Mr. Walsh, of the Philadelphia Gazette; of the others, I think I have heard the names, but do not recollect them, except of one of the editors of the National Intelligencer, who, if I mistake not, was called Mr. Webb.

Q. 580. Do you recollect to have heard the name of Francis P. Blair; if so, in what connection?

A. I do recollect it very well, sir; I think he was editor of the Globe.

Q. 581. Did you not have a personal acquaintance with him, or any of his family?

A. I really don't remember, sir.

Q. 582. The same question of Duff Green, and Gales and Seaton?

A. The first one was the editor of the Richmond Enquirer; Gales and Seaton, of the Daily Intelligencer, and Col. Webb was not, as I said before, editor of that paper, but of the New York Courier and Enquirer. It strikes me now, too, that I used occasionally to see the Herald, of New York, whose editor, I think, was Colonel Bennett, but I had no personal acquaintance, to my recollection, with either Duff Green, Gales, Seaton, Webb, or Bennett.

Q. 583. Is there any thing else connected with your residence in Washington that now occurs to you worthy of mention; if so, please mention it?

A. Nothing else occurs to my memory at present.

Q. 584. Do you remember any remarkable event happening in the city of New York, during your residence in the United States, not of a political nature?

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A. No, sir; I really do not.

Q. 585. Say in the years 1835, or 1836?

A. No, sir.

Q. 586. I mean a very extensive and memorable conflagration?

A. I cannot say that I do remember it.

Q. 587. You were Minister Plenipotentiary and Envoy Extraordinary to England, from the year 1853 to 1856; who was Prime Minister during that period?

A. At first, Lord Aberdeen, and after that Lord Palmerston.

Q. 588. Was there no other?

A. I recollect no other in that period.

Q. 589. When did you arrive in England, and when did you leave; by what conveyance either way?

A. I went and returned by the West India Mail packet, *via* Havana and St. Thomas; I arrived about the beginning of July, 1853; I left England on the first February, 1856.

Q. 590. Mention, if you please, in their order, the principal questions, or rather general subjects, which engaged the consideration of the Parliament and the people during the time that you were in England as Mexican Minister?

A. I know of but two of that character: the Reform Bill, and the Crimean question, which of itself, seemed to absorb all others at that time. Some attention was given too, as I can recollect, to two more important questions relating to privateering and right of search.

Q. 591. What Reform Bill, by whom presented, and when?

A. I cannot say by whom presented, nor when. The Bill I refer to is the one relative to the voting at general elections.

Q. 592. I do not very well understand your definition or explanation; perhaps, as you enjoyed the great opportunities of a foreign Minister, you can tell me more precisely what it was that Parliament had under consideration?

A. I do not pretend to define it technically, but I think I may express my idea of the subject, stating that it is a greater extension or enlargement of the electoral franchise, and certain modifications with respect to the elections in boroughs; or in other words, that the object is, according to my humble opinion, that a greater number of voters may be able to come in at elections, and that these elections in the boroughs may be more in proportion to the actual number of inhabitants.

Q. 593. What do you mean by the "Crimean question"?

A. The question relating to the war in the Crimea.

Q. 594. Crimea is only a place, and that war extended to many places; what war is it you speak of?

A. I speak of the war of the united forces of England and France against Russia, in behalf of Turkey.

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Q. 595. When did that war commence, under what Prime Minister, when concluded, and under what Prime Minister?

A. It commenced in 1854, under Lord Aberdeen, as Prime Minister, and terminated in 1855, under Lord Palmerston, as Prime Minister.

Q. 596. About what time did the change of Ministers take place, and on what question?

A. The change, I think, took place about the middle of 1855; I cannot say what the precise question was that caused it.

Q. 597. Were you not there; did you not attend the sessions of Parliament, read the newspapers, and pay particular attention to what was going on?

A. Yes, sir; but still, in important cabinet changes of this character, it is not always easy to ascertain the true causes of them; one person might attribute it in that case, for example, to a want of sufficient energy in the cabinet; another to a want of sufficient foresight in everything relative to measures for provisions, armament, etc.; and others still, to the hidden influence of some foreign cabinet; and probably persons might be found who might attribute it to all these causes at a time, and these were the causes of which more was spoken, as far as I could hear and know, in London at the time.

Q. 599. What is the process by which one set of British Ministers is put out of office, and another put in?

What is the immediate cause that uniformly determines the change?

A. As I understand it, the force of public opinion, made manifest through Parliament by the number of votes for or against the cabinet, on some important question.

Q. 600. Do you remember the important question on which the Aberdeen Ministry found themselves in a minority?

A. I remember no other but one of those I have touched upon in one of my last answers. I mean the want of foresight, and of measures sufficiently active, in all that refers to military preparations, embarkment of troops, provisions, etc.

Q 601. When you represented Mexico as Minister Plenipotiary, etc., in London, did you not get acquainted with the Ministers of the United States, France, Spain, Austria, Denmark, and Russia, before the war commenced; if yea, mention the names of those personages?

A. Of the United States, with Mr. Buchanan; of France, first Count Walewski, and afterwards Persigny; of Spain, first Don Xavier Ysturiz, and afterwards Don Antonio Gonzalez, and in the intermediate period between these two gentlemen, John Comin as Chargé d'Affaires; Austria, Count Colloredo; Denmark was without a Minister when I arrived, then first came

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an Admiral of that Navy, and next a General, whose name I don't recollect; I don't recollect the name of the Russian Minister then, but he was a Count, and is now Russian Minister in Paris, if I mistake not; we exchanged cards once or twice, but never knew each other personally.

I was personally acquainted with all these Ministers except the last, and on terms of good friendship with Mr. Buchanan, the Spanish Ministers and Chargé, and the Austrian Minister.

Q. 602. Why is it that your personal acquaintance with Mr. Buchanan did not serve to remind you that he had been the American Secretary of State in 1846, when I asked you that question some days ago?

A. I can find no other reason for it but that whenever I have remembered Mr. Buchanan, it has been always in connection with the Senate of the United States in Washington, where I first had the pleasure of seeing him in the years 1834 or 1835, and with his mission to London, where we used to meet together.

Q. 603. I am now reminded to ask you what I had before forgotten. Mention the names of the other foreign Ministers to the United States when you were Chargé d'Affaires from 1833 to 1837.

A. I shall endeavor, as well as I can remember such an old date, to do so. I think from England, Sir Charles Vaughn, and in the same legation Mr. Bankhead, who I think remained some time after as Chargé d'Affaires. From France, Mr. Serurrier, and Mr. Pageot, who was afterwards too, I believe, Chargé d'Affaires. From Spain, first Mr. Tacon, and afterwards Mr. Calderon de la Barca. From Holland, Mr. Martini. From Prussia, Count Behr, I think. From Brazil, Mr. Cabalcante de Albuquerque. From Chile, Mr. Carvallo. There is one more from Portugal, whose name I don't recollect at this moment, married to an American lady and resident in Baltimore. The Russian Minister was not allowed to have any intercourse with the Ministers sent by the governments of Spanish American States, and that is the reason I do not know him personally.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Sept. 22, 1859.

Cross-Examination of J. M. de Castillo y Lanzas resumed from yesterday.

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Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 604. Have you never seen any almanac, or other book or pamphlet, containing the list of names of Foreign Ministers, given by you yesterday in answer to the 601st and 603d questions?

A. No, sir; I never have.

Q. 605. Have you not refreshed your recollection of those names and persons, by conversation with somebody about them?

A. No, sir; before I mentioned them yesterday, I never had occasion to speak of them?

Q. 606. Can you explain why it is that you remember names of those persons so accurately now, when you were unable to recollect so many things connected with your own personal history, political experience, and history of your own country during the best years of your own manhood?

A. I think I generally recollect those things in which I may have been personally interested, of which I had a clear knowledge when they happened, and to which I may have paid sufficient attention for them to make an impression on my mind.

With respect to the political history of my country, I have not only been absent from it many years, during part of which I have not had occasion to acquire that clear knowledge of events, and even when I have been in the Republic I have not always paid the necessary attention to public affairs, for reasons which I have before now stated, to be able ever to bring them to my mind again, as I could have done had it been otherwise.

Q. 607. Have you seen anywhere in print, or gathered from conversation with any one, the fact which you mentioned in your answer to question 602; to wit, that Mr. Buchanan was in the United States Senate in the years 1834 and 1835?

A. No, sir; but I mentioned the circumstance to himself, as he appeared to have remembered me the moment that we first spoke together in London.

Q. 608. Did you ever exchange any notes or letters with Mr. Buchanan, and if yea, have you any of his writing here?

A. The only notes I ever exchanged with him exist in the office of the Mexican Legation, in London, where I left them. I have in Mexico some little work or pamphlet, I don't recollect the title, of which he was kind enough to make me a present of a copy, on which occasion he wrote on a blank leaf before the title page a few friendly lines, and signed them.

Q. 609. Who was your immediate predecessor, and who your successor in that Legation?

A. My immediate predecessor was Colonel Francisco Facio,

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who was before and afterwards Mexican financial agent in London. My immediate successor, for upwards of a year, was the Secretary of the Legation, the Licenciado J. N. Gonzalez de la Vega, and until a full Minister was named, whose name is Mr. Thomas Murphy, and whom I suppose still remains there.

Q. 610. Is he a Minister Plenipotentiary and also a Mexican?

A. Yes, sir, he is a Minister Plenipotentiary, and also a native of Vera Cruz, in the Republic of Mexico.

Q. 611. During your residence in London did you continue the same secluded manner of life which you observed when a Minister in the United States, or did you make some acquaintances in circles of private life; if yea, please mention the names of some of them?

A. I used to live in London in the same secluded manner, as far as circumstances permitted, as I had lived in the United States; my acquaintances there were, as far as I can recollect, Mr. Thomas Baring, Colonel North, both members of Parliament; Sir Fitzroy Kelly, Mr. Milner Gibson, also Members of Parliament; two gentlemen of the name of Bates, one of them connected with the house of Baring Brothers, and the other the principal owner of a commercial house, who has had till now, and I believe still has a house in Mexico; the two Messrs Murrietos, of the well known firm of that name in London, Mr. Lizardi, merchant; Mr. Hugh Sandyman, a banker; partner of a Mr. Sanderson, Mr. Lasada, a celebrated watchmaker; Mr. Jones, a banker, I think,—a gentleman who had resided some years in Mexico, of the mining profession, and has at present two sons in the Republic, one of them in Guanajuato and the other in San Luis Potosí or Zacatecas; Mr. Salamons, who was Lord Mayor of London in 1855, and a few others, principally merchants, who had resided in Mexico, where I had not known them, and with whom I was not so well acquainted as those I have named,—one of these gentlemen was called Mr. Henderson.

Q. 612. Do you know anybody in California with whom you were acquainted when you resided in the United States as Chargé d'Affaires, and in England as Minister Plenipotentiary?

A. I do not know of anybody in California with whom I had been previously acquainted in the United States, but there is a gentleman here of the name of Lucas Ponton de Arce, with whom I was very well acquainted the last two times I was in England, and to whom I gave a passport, as Minister, when he came out to Mexico.

Q. 613. The 4th question, direct examination, was; "What

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public employments have you held?"—the most of my cross examination so far, as you will observe, has been directed to your answer to that question; that is to say, to ascertain the truth of your statements as to whether you were or not the person in that answer described, and whether you have or not held the offices of which you there speak; if you think proper, you can produce the person of whom you have last spoken, Lucas Ponton de Arce, and take his deposition and have it incorporated in yours, or have it taken separately afterwards?

[Question objected to by Mr. Peachy, upon the ground that Mr. Castillo, the witness, cannot produce Mr. de Arce or any other witness and have his deposition taken in this case on behalf of the claimant.

Counsel for the United States offers to subpena the person in question, if the witness will oblige him with his address, or any other person the witness has mentioned as having known him at either of the times referred to.]

A. This gentleman has a tobacco store in Sansome street, in this city.

[The counsel for the United States returns his thanks to the witness for having accorded to his request for the photograph of himself to be sent to Mr. Buchanan.]

Q. 614. You regard this document being the communication addressed to the Governor of California, being of the date 23d May, 1846, and signed Castillo Lanzas, as a grant of two leagues of land to Andres Castillero, do you not?

A. Yes, sir.

Q. 615. Are you a lawyer?

A. No, sir; I am not.

Q. 616. Upon what then do you found your opinion that this document is in effect a grant?

A. Upon the ground that I do not know of any other form in which the Mexican Government could have made the grant.

Q. 617. Under what law did the Central Government of Mexico make grants of land?

A. Under the Colonization Law of 1824, and the Reglamento which was published some time after.

Q. 618. Under what provisions of that Colonization Law, or of that Reglamento, do you maintain that this document is a grant?

A. According to that law, as far as I can recollect (for it did not appertain to my office at the time to take cognizance of it), the President of the Republic had it in his power to make it.

Q. 619. Under what provision of the law?

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A. I have said that I cannot speak correctly on this part of the subject, as it was all transacted and carried through by the Ministry of Justice, where of course care was taken that everything should be done in conformity with what the law and Reglamento prescribed in the matter. The grant once made by the President, the only part of the business that appertained to me was that of informing the Governor of California of the grant which had been made, in order that he might put the grantee in possession, for the Minister of Justice was not authorized to give orders to Governors.

Q. 620. I understand you then, now to say, that this document is not a grant, but a communication to inform the Governor of California that you had learned through the Minister of Justice that the President had made a grant, and instructing that Governor to give possession: Is that correct?

A. I must beg leave to repeat, sir, that I have always considered it as a grant, and given in the only form which is customary in our public offices; the only form, indeed, in which I conceive it possible to have been given. The Minister of Justice, in fulfillment of the order of the President, made a sufficient communication to me, not merely that I might become acquainted with its contents, but that I might communicate, on my part, the necessary order to the Governor of California, so that the grant made by the President, and by him commanded that it should be carried into effect, might so be perfectly fulfilled.

Q. 621. I call your attention to your last two answers, and ask you if they are not contradictory, in that, by the first, you say that the grant had been made by the President, and communicated to the Minister of Justice before you wrote the dispatch to the Governor of California; and in the second, that that dispatch was itself the grant?

A. What I said in my first answer was, that I could not speak correctly with reference to the provisions of the law, as this matter did not appertain to me, but that the Minister of Justice, whose duty it was in that case to attend to it, took care that everything should be done in conformity with what was therein prescribed on the matter.

Q. 622. It does not appear to me that you have yet removed the contradiction at all. Have you anything further to say on the subject?

A. I must frankly confess that I don't see at all wherein the contradiction exists. I said, "I cannot speak correctly" of the proviso, because it was not my business to attend to that, but that, the grant having been made by the President, according to the power he had for making it, I knew of no other way in

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which, according to our mode of service in Mexico, the knowledge of this grant could be conveyed to the grantee, than by the communications, first from the Minister of Justice to me, as Minister of Relations, and then from me to the Governor of California. It was the President who made the grant, for he only was authorized to do so, but the President cannot communicate directly with any of the authorities in the Republic. On making this grant, he (the President) had examined all the documents, and also the laws on the subject which led him to accede to the grant, and the laws that had reference to this business; and as it had been through the Minister of Justice that this had been transacted, he instructed him to have the necessary orders issued, according to the usual forms generally employed in such matters. The Minister of Justice could not either give those orders to the Governor, consequently, he communicated with the Minister of Relations, which was the only one that could in that case issue them, in order that it might be done, as it was finally done, by the Minister of Relations. In this manner of proceeding, not a circumstance has been wanting to make perfectly valid that communication of the Minister of Relations, which, consequently, may be said to constitute the expression of the resolution of the President as to the grant, or, in other words, the grant itself.

Q. 623. How many grants of that nature do you know to have been made during the administration of General Paredes, and yours, as Secretary of Relations?

A. I know of no other made during that time, at least as far as my recollection serves me.

Q. 624. During any other time?

A. At other times, not being in the administration myself, I had no occasion to pay any attention to those matters.

Q. 625. It is then the only grant of this nature that you have any knowledge of having been made at any time?

A. It is the only one, to my recollection, in which I have had anything to do myself; though, of course, I consider it cannot be the only one that has been made; and, probably, not the only one either that I may have heard of, some time or other.

Q. 626. Please answer me directly, whether it is or is not the only grant of this nature that you have any knowledge of at any time?

A. It is, sir.

Q. 627. In this communication to the Governor of California I find these words, "se ha servido S. E. aprobar en todas sus partes el convenio celebrado," in English, to wit, "His Ex-

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cellency has been pleased to approve, in all its parts, the contract executed," etc.; what contract was that, sir?

[Mr. Peachy objects to all the questions that have been asked the witness as to the nature and effect of the dispatch to the Governor of California, dated 23d May, 1846, and as to his opinion of the Colonization Law of 1824, and the Reglamento of 1828; on the grounds, first, that this is new matter, now first called for by the counsel for the government; and, secondly, the nature and legal effect of the document in question, and the construction of the laws above referred to, are not to be established by parole testimony.]

A. As in that part of the business the Ministry of Relations had absolutely nothing to do, I cannot say anything about it.

Q. 628. Do you know at what time peace was made between the United States and Mexico; where; and the person who represented Mexico in the negotiation?

A. Peace was made in 1848, I think, in Guadalupe Hidalgo; and the persons who represented Mexico on that occasion were Messrs. Atristian, Couto, and Cuevas.

Q. 629. In the treaty, and by other authentic documents, it appears that those Commissioners made a solemn declaration, that after the 13th day of May, 1846, Mexico had made no grant of land in California; how can you now, then, say that Mexico had made a grant of land in California after that time, to wit, on the 23d day of May, 1846?

[Question objected to by Mr. Peachy, on the ground that the treaty does not contain such declaration.

Counsel on the part of the United States refers to the last clause of the 10th article of the treaty as negotiated between Nicholas P. Trist, on the part of the United States, and the Mexican Commissioners, as aforesaid, and forwarded to Washington; also, to the official communications of Mr. Trist; and to the protocol, which, at the instance of Mr. Luis de la Rosa, Mexican Secretary of Relations, was signed by Messrs. Clifford and Sevier, as a preliminary to the exchange of ratifications of the said treaty of peace.

Counsel for claimant remarks, that by a treaty he understands a contract between two sovereign powers: for the United States to become partner to a treaty, it must be made according to the forms of the Constitution; therefore, he was not prepared, when the counsel referred to a treaty, to understand that he referred to the Trist document.

Counsel states further, that the Supreme Executive of the United States, impressed with the same idea of a treaty which

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he has expressed, has, on more than one occasion, declared that the protocol to which the counsel for the Government alludes, is without force or validity.]

A. I know beyond all doubt, that the aforesaid grant in California, to wit, of the 23d May, 1846, was made;—as I signed that document myself, and remember all the circumstances relative to it, which I have mentioned. On what ground those Mexican Commissioners may have made the declaration to which the question refers, it is not for me to say. The only thing I can state on this subject is, that I am almost sure that none of those gentlemen held at that time a position which could give them a command over the archives; and that I don't believe they could have had access to these, as I then heard that part of the archives had been taken to Queretaro, and the rest were in boxes, closely shut, in the city of Mexico, and not to be opened until the Government should return to the capital.

Q. 630. Who had the keeping of them all this time?

A. I was not informed of that, but must suppose that they were under the charge of some one of the officials of the Ministry of Relations.

Q. 631. Why could they not be opened; what could prevent it?

A. It must have been in consequence of some order of the Government at Queretaro, who, it must be supposed, did not wish to have in Queretaro more than the necessary documents for the ordinary dispatch of business, and would not like those left in Mexico during its absence to be taken out of the boxes, for fear that any other document might be mislaid.

Q. 632. Where were you all this time?

A. I was in the city of Mexico.

Q. 633. Who had charge of the archives?

A. I have said that I do not know who had charge of them then; in ordinary times it is the business of the archivero to take care of them.

Q. 634. How could the government that was at Queretaro have any control over them?

A. By the control it had over its empleados, who obeyed its orders.

Q. 635. Are you certain that you were in the city of Mexico at that time?

A. I don't recollect to have left the city of Mexico at any time in 1848, for any purpose at all.

Q. 636. Who was the Governor of the city of Mexico?

A. I know nothing of the authorities of the city of Mexico, because I lived very privately on account of the war, and knew nothing of appointments of authorities in the city.

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Q. 637. Have you not some general idea of whom the authorities were?

A. No, sir.

Q. 638. How can you say that there were any Mexican authorities there at all?

A. I cannot say anything relative to the circumstances of the city at that period.

Q. 639. Your answer surprises me; I should suppose that a gentleman of your position would be always able to say something of the circumstances of the city in which he resided, of Mexico at that time in particular?

A. I can say nothing but what is the truth.

Q. 640. Can't you say who was at the head of affairs in the city of Mexico on or about that time?

A. I can only say that I suppose it was General Scott who was at the head, and I believe (but I can't trust much to my recollection in this case) that I then heard that General Quitman was then Governor of the city.

Q. 641. Where in the city of Mexico are the Mexican archives kept; are they not kept in the palace?

A. They are, sir; but besides the general archives which are kept in the palace, each office of the government keeps its own archives separate from the rest, under charge of its own archivero.

Q. 642. Don't you know that the Americans took the palace, all its offices and all its archives?

A. If they took all, of course no Mexican authorities could interfere in the business at that time; but if it is true that any portion of them was under the charge of a Mexican official, it must be equally true that they must have been removed beforehand from the palace; I cannot of myself say which of the two was the case, for I merely mentioned before what I had heard.

Q. 643. It was only upon hearsay then that you ventured to say or suggest that the Mexican Commissioners knew nothing about this grant, because a portion of the archives were then boxed up and kept in the city of Mexico under the charge of Empleados of the Mexican Government at Queretaro, with instructions not to open them until that government returned?

A. I cannot say positively what I did not know positively. I heard it said as I have said, and that is the reason I made use of the words "I believe."

Q. 644. Who was there sufficiently interested in this grant to tell you such a story as that; and how could you, an ex-Minister of Relations, listen to it?

A. No person interested in the grant, that I am aware of,

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mentioned that circumstance to me; and in the absence of better reasons this appears to me to be one that may explain in a certain manner that declaration having been made by the Commissioners, for I cannot for one moment imagine that had they had access to the archives, and seen this communication of 23d May, 1846, to the Governor of California, the aforesaid Commissioners would have made that declaration;—such is my impression.

Q. 645. In your opinion then, no weight is to be given to that declaration of Mexico, made at that time and under those circumstances, as evidence upon the question of fact whether or not this grant, as you call it, was made on the day it purports to bear date?

[Question objected to by Mr. Peachy as irrelevant.]

A. It is not for me, as I said before, to state anything as to why this declaration was made; and ignorant as I am of the reasons which led the Mexican Commissioners to make it, it is impossible for me to form any clear and decisive opinion upon it.

Q. 646. Are those Commissioners now living?

A. They were living when I left Mexico in April last. I saw them all shortly before leaving.

Q. 647. Where were you in August and September, 1847.

A. I was in Mexico from the time that General Paredes' Administration terminated, till about the month of May, 1849, more or less, but not in active service.

Q. 648. What happened about that time?

A. In September, 1847, an American army entered the City of Mexico. I can say no more, being in private life as I said before.

Q. 649. Can't you say something about what happened just before, what became of the Mexican Government and Army, and something about the manner in which the change was effected?

A. I can only add the little I then heard on the subject, which was, that after the taking of the Castle of Chepultepec, General Santa Anna with the Mexican Army evacuated the City, resigning the Presidency, which was taken by Mr. Peña y Peña as President of the Supreme Court of Justice, but he also left the City and went to Toluca.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., Sept. 23, 1859.

Cross-Examination of J. M. Castillo y Lanzas postponed, for the purpose of taking the depositions of Lucas Ponton de Arce and Samuel Head, witnesses summoned on the part of United States. (See *ante*, pp. 2220, 2222.)

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SAN FRANCISCO, Sept. 23, 1859.

Cross-Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Messrs. Randolph and Sloan, for the United States.

Q. 650. You have spoken of the communication of the 23rd May, 1846, addressed to the Governor of the Californias, as a grant. What assurance had the Supreme Government of Mexico, at that time, that the lands therein described as two leagues upon the mining possession of Andres Castillero, had not been already granted in colonization to others, and became private property?

A. I can give no information upon this point; as I have stated, all this business had been transacted between the President of the Republic and the Minister of Justice, who had in his possession, at the time, all the documents relating to the subject.

Q. 651. I understand you to say that you were not in Queretaro, at any time, whilst the Mexican Government was there?

A. I was not, sir.

Q. 652. On the same day that you signed this dispatch of 23rd May, 1846, to the Governor of California, might you not have signed a great many other papers?

A. It is very probable that I might sign some others, because it was only on packet days, or on such occasions, that we had much correspondence to sign.

Q. 653. Do you remember any other papers you signed on that day?

A. I do not, sir.

Q. 654. I need not ask you whether or not you belong to the Central or Church party in Mexico?

[The counsel for claimant requests the witness, if he has any reasons for not wishing to answer the question, to make them known.]

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A. I find no difficulty in answering the question, as I have never, in the whole course of my public career, belonged to any party.

Q. 655. Still, I understand you to say that you have recently held the place of Minister of Relations in the Cabinet of Zuloaga?

A. I held that place part of last year.

Q. 656. In the month of April, when you left the Capital, was there not a very embittered feeling of hostility prevailing between the Central or Church party and the Liberal party, who, about that time, had been repulsed from the City of Mexico, which they were attacking?

A. There was, I believe, some embittered feeling between what is called the Conservador party and the Liberal party. In each of these parties, if I mistake not, they have different grades in their respective opinions. In the Liberal party, for example, some are in favor of giving to the nation greater degree of liberty at once than others, and hence their respective names of Puros and Moderatos. In the same way in the Conservador party, there may be some, very few indeed, who may desire to have things remain just as they have been, whilst the greater part are distinguished from the other party, *i. e.* the Liberal party, in this one point, that they consider necessary, for the present, a central form of government, and are of opinion that all reforms should be gradually introduced without endangering, as they think it would, the public tranquility in the nation, by anticipating measures for which they think it is not yet entirely prepared.

This I think is the true state of the country; and such is the opinion I have of the character of my own countrymen, that I really think that if a superior man, with the necessary tact and experience, were to start up in the country, he would undoubtedly, without much difficulty or labor, reconcile parties sufficiently at least to establish a government in the country that would be acknowledged throughout the whole of it, and whatever bitter party feelings may at present exist, would in the first instance be smoothed down, and would end by losing all their bitternes. That is my opinion.

Q. 657. At the time to which I have referred, were not the roads from the Capital infested with bands of partisans of the Liberal cause, and was it not very dangerous for prominent persons, connected with the opposing faction, to fall into their hands; was it not very customary for the adherents of either faction to put to death those of the opposite faction whom they might find traveling in the stage coaches or otherwise?

A. In all our revolutions the roads have usually been infested

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by parties calling themselves soldiers, belonging to this or the other band, but who in reality have no other object than that of robbing and plundering. I do not know that except on those occasions on which the different parties have been engaged in action, or in which some principal military leader may have been caught by his adversaries, any person has been shot merely on account of the political party to which he might belong.

Q. 658. Do you not believe from your knowledge of the state of the country, that if you had fallen into the hands of any of Degallado's men, so soon after their retreat, and the massacres at Tacubaya, and had been known as the late Minister of Relations of President Zuloaga, that you would in all probability have been shot?

A. I am happy to be able to answer that question by a practical case. I feel great satisfaction for myself in doing so, and if any honor should accrue to my countrymen on account of it, I shall feel proud of the same.

The case is this: when we left Mexico, Degollado's troops had but a few days before been routed and dispersed; in the course of my journey from that Capital to the coast, San Blas, I have traversed through tracts of country and cities, in which I have had to pass through camps of Government and Liberal troops alternately; I have been seen by both, and known by both, and have not been in one single instance molested by either one or the other.

This, I think, speaks for itself.

Q. 659. To what do you attribute your good fortune, in passing through the hands of your enemies at that time with safety of life and without molestation or detention?

[Question objected to by Mr. Peachy, for the reason that although the supposed impossibility of obtaining witnesses from Mexico, in the present disturbed state of that country, might be a pertinent inquiry if we were seeking the reasons which have induced the Government to resist all applications to take testimony in the City of Mexico, yet it is now an irrelevant matter.]

A. I attribute it to the national character, and I may mention it as a proof of what I said before, that it might not be difficult to remove all sort of bitter feelings or animosities between the parties. These are generally just enough to distinguish between those who merely endeavored to fulfill their duty in whatever post they may be called upon to act, and those who make war and exert all their influence, should they have any, for mere party triumphs, or the like?

Q. 660. Mention the names of some of the places which were in the occupation of the Liberal forces when you passed through,



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and of the Liberal officers whom you saw, and by whom you were recognized?

A. The principal forces of the Liberals were in Guanajuato and Leon. I did not myself see, or at least did not recognize, any officer, but was told that General Echeagaray, and others whose names I don't recollect, some of whom, like the officer I have mentioned, had recently belonged to the staff of Gen. Degollado, had seen me; and I understand that some of my fellow-passengers were informed of the same.

I was informed at Guanajuato that I had been seen and known there, by the parties I have mentioned.

Q. 661. Then you do not know of your own knowledge that you were seen and known by any of the Liberal officers?

A. I know that they could not avoid seeing me, for it was daylight yet when the diligence arrived, and at the very entrance of the diligence house, and in the corridor up stairs, were some of these officers, as my fellow-travelers can testify.

Q. 662. You did not speak with any of them?

A. I did not.

Q. 663. Did you travel in any disguise?

A. No, sir; in my usual dress.

Q. 664. Was it General Echeagaray, the same who had been operating on the side towards Puebla against General Llave?

A. No, sir; quite a different person. The one I mentioned I think had been for a long time in Guadalajara, Colima, etc., with Degollado, to whom, I was told, he was very much attached.

Q. 665. You took no passport?

A. Yes, sir; I did.

Q. 666. Will you produce it?

A. With pleasure, sir,—this is it,—and I request it may be returned on my departure, as I may find it necessary on my journey to Mexico.

[Witness produces the passport.]

Q. 667. You will, however, permit me to have a photographic copy taken of it, to be filed as an Exhibit, with a note upon it in your handwriting, and with your signature, that it is an exact photographic copy of this original passport?

A. Most certainly, sir; and should it be found preferable, I am most willing to leave the original, and take the photographic copy myself.

Q. 668. What is the reason that the description of the person is left blank in this passport; also, that the place for the signature of the bearer is blank; of what use would the passport be without those means of identification; what would prevent

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a person who had got possession of this passport, from passing himself off for you?

A. The fact is, that I never considered it necessary to have this passport, so that I took it out and it was given to me more as a matter of form than anything else. Had I not been a well-known person in the Ministry of Relations, none of those omissions would have occurred; had I not considered that I should not be called upon on the road to present it, or that if there was any chance of this, it could only be in places where I am personally known, I would have signed it,—and I beg leave to do so now before it is filed.

Q. 669. I think that that would be, perhaps, an unnecessary trouble, as no signature at this time would vary the effect of the passport for any purpose; and after the photographic copy is taken, and the original is returned, you will of course sign it or not, as you think proper.

If this passport was not of sufficient consequence to be filled up, it is of still less consequence whether it is returned to you or not, that is, if it was a matter of indifference whether you brought it to California or not, it is still more indifferent whether you take it back to Mexico or not, is it not?

[Question objected to by Mr. Peachy as irrelevant.]

A. When I left Mexico I saw no real necessity for the passport, but I took it out as it had been my custom whenever I traveled. We have now been absent from Mexico some months, and I don't know what measures the government in the Capital may have taken upon this subject, or may take by the time that we return; that is the reason why I think it safer to be provided with it.

Q. 670. Is there any other J. M. de Castillo y Lanzas in Mexico?

A. With the exclusion of the name Lanzas there are other J. M. de Castillos, no other named J. M. de Castillo y Lanzas.

Q. 671. These words "Yntendente de Marina retirado" in the passport are not intended to distinguish you from any other Sr. Don Joaquin Maria de Castillo y Lanzas?

A. No, sir; they are so put because it is generally the custom to express in passports the particular trade, profession, or office grade of the indiviual named in them.

Q. 672. During your residence in San Francisco have you lived in the same retired manner as formerly in the United States, in England, and even in Mexico, as you have testified; or have you, as possibly might be expected of a distinguished public officer from a foreign country, made the acquaintance of the Governor and other high officials of this State, and others

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of influence and position here, and also of the public functionaries residing here as the representatives of foreign governments?

A. I have lived in exactly the same retired manner which has been a habit with me through life; I have scarcely mixed at all in society, and consequently have not had the honor of being introduced to the functionaries of the State, mentioned in the question. I have had the pleasure of being introduced to two or three only of the foreign consuls here, who are Mr. Gautier, Mr. Davidson and Mr. May.

Q. 673. To revert for a moment to the expedientes filed by the claimants in this case, I will ask you whether the writing on page 7 (in red ink) of "Exhibit Bassoco No. 9, O. H." being the minute of a letter bearing date April 6th, 1846, addressed to the Governor of California, is a private or official document, and whether the signature to the same is your signature?

A. It is the minuta of an official document with my name attached to it in the handwriting of the Escribiente himself, as it is the custom to annex the Ministers' names to such documents in order to show at first view on any future occasion who was the Minister who signed it.

Q. 674. The original ought to be found in the archives of the State of California, ought it not?

A. That depends altogether upon cirumstances, if it had been received it ought to have been filed in the archives of the State.

Q. 675. How many modes are there in the Mexican Ministries for the Minister to affix his signature to public instruments of writing, and what the appropriate signature for the several classes or grades of writings signed by the Minister?

A. There are two modes—the full signature and the half signature; the half signature is used in their official communications to each other, and to the other authorities of the Republic; in passports too, and perhaps in some other documents of the same description which do not occur to me at this moment. The full signature is used in other documents, such as certificates, diplomas, titles to official posts, etc.

Q. 676. What is the proper mode of signing decrees, laws, and other completed acts of the sovereign power, and of signing the order of publication for the same?

A. The President signed by himself with his full signature, directs them to the Minister to whose branch it may appertain, mentioning his full name and title; and the Minister generally orders the same to be published by affixing thereto his half signature.

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Q. 677. You regard the grant of two leagues of land in this case, do you not, as an act of the sovereign power of Mexico, expressed through General Paredes, then President?

A. Not precisely as an act of sovereign power, but rather as an act of the authority conferred on the President by the sovereign power.

Q. 678. Where is the document in this case containing either the full or the half signature to the expression of the will of the nation, or to the completed act of authority lodged in him by the sovereign, which was the nation, to dispose of this portion of the public domain to Andres Castillero?

A. A document of this kind could not have been framed with these forms without having been looked upon in Mexico as extraordinary. The decree of sovereign power, in virtue of which that authority was lodged in the President, required no doubt those forms, and would not have been complete without them, but the President once vested with that authority in due form requires no other formality for the exercise of it than in the ordinary usages of the public service of the country as established in the different offices.

Q. 679. A grant like a decree being something which is really addressed to all the world, though in favor of a particular individual, is one of those fully completed acts of power which require the full signature, is it not?

A. The authority granted by the sovereign power for making those grants requires the full signature, but the simple exercise of that authority does not. That authority cannot proceed but from a decree of Congress, as in the Congress is vested the exercise of this sovereign power, and that decree thus emanating from the Congress and communicated by the same to the President, must by him be ordered to be published, affixing his full signature; by that means it became known to the nation and to the world that that authority has been lodged by the sovereign power in the President of the Republic; this done the President has no longer any need, as I said before, of other forms in the exercise of this authority than those that are usually and universally known in our service.

Q. 680. Tell me, if you please, in this instance where is the authority to grant, bearing a full signature and of whom?

A. The authority is not given for any particular grant, but for all the grants of the same description that may be made by the Executive, by the Colonization law of 1824.

Q. 681. Getting his authority from the law of 1824, you say then that Paredes need not sign his full name to a final decree, granting this portion of the public domain to Andres Castillero?

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A. Were it a decree, or what we understand in Mexico for a decree, there is no doubt it would require his full signature, but we do not consider it a decree nor is it one, it is the mere exercise of a power or authority vested in him in virtue of a decree, and consequently, as I said before, requires no more in order that it may be executed or produce its full effect than the ordinary forms of service in the offices.

Q. 682. You mean even the half signature was not necessary, but with his rubric alone Paredes might grant these two leagues of land around about this mine, described in the petition as situated on the property of a private individual?

A. As to the form I have already said all I could say upon the subject, but as regards this last circumstance, as being on the property of another individual, I certainly cannot venture to say anything, since the business as I said yesterday had been transacted between the President and the Minister of Justice, but from the known character of both those gentlemen I may venture to assert that they would in no instance be capable of knowingly and voluntarily committing an act of injustice of any kind.

Q. 683. Do you not propose returning to Mexico with all convenient dispatch after finishing this deposition?

A. Such is my desire, sir, for I have a large family dependent on me.

Cross examination closed.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Sept. 24th, 1859.

Examination of J. M. de Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

By consent, examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., September 26th, 1859.

Examination of J. M. Castillo y Lanzas, resumed from yesterday.

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Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

By consent, examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., September 27, 1859.

Examination of J. M. Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of cousel for claimant; Mr. Randolph, for the United States.

DIRECT EXAMINATION RESUMED.

Q. 684. Did you know a newspaper called the *Diaro Oficial del Gobierno Mexicano*?

A. I did, sir, during the administration of Gen'l Paredes, in 1846, it was the official government paper; it continued for some time, (how long I cannot say) under the administration of Gen'l. Salas, as the government paper, under the title of "Diario del Gobierno de la Republica Mexican."

Q. 685. Did you in 1846, know certain journals called respectively "El Monitor Republicano" and "El Republicano," published in the city of Mexico?

A. I did.

Q. 686. Have you lately seen volumes containing copies of those papers, of the year 1846, or any part of that year?

A. I have seen these volumes within the last four days, and they are now here before me.

Q. 687. Look at the "Dairo Oficial" of the 22d April, 1846, No. 53, under the heading "Marina, Mazatlan, Entradas de Buques," and state what entry you find there relating to the American Schooner "Hannah"

A. I find the following: "Dia 1° de Abril, Bergantin Goleta Americana 'Hannah,' de 89 toneladas; su Capitan Benjamin F. Thusum, y 10 hombres de tripulacion; procedente de San Blas, en 5 dias de navegacion; en lastre; Pasageros, Anselmo Datayada, Gregorio Aguirre," the translation of which is as follows: "1st day of April, American hermaphodite brig 'Hannah,' of 89 tons, Captain Benjamin F. Thusum; crew ten men, proceeding from San Blas, five days sail, in ballast, passengers, Anselmo Dalayada and Gregorio Aguirre."

Q. 688. Look at the same "Diaro Oficial," of the 1st April, 1846, No. 32, under the head of "Marina, Mazatlan, Entra-

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dos de Buques," which may be translated "marine news, Mazatlan, arrivals of vessels," and state what entry you find relative to the "Juanita."

A. I find the following:

"Marzo.

"Dia 2, Bergantin Goleta nacional 'Juanita' del porte de 102 tonelados; su Capitan José Francisco Snook, y 11 individuos de tripulacion, procedente de San Diego, en 12 dias de navegacion, con frutos del pais; Pasageros, Salvador Valdes, Victor de la Cruz y Doroteo Zavaleta."

The translation of which is as follows:

"March 2d, National hermaphodite brig 'Juanita,' 102 tons burthen, Captain José Francisco Snook, crew 11 men, proceeding from San Diego, twelve days' sail from San Diego, with fruits of the country; passengers"—same as in Spanish.

Q. 689. Look at the same "Diaro Oficial," of the 10th April, 1846, No. 41, under the head of "Marina, Mazatlan, Salidas," or in English, "Marine News, Mazatlan. departures," and say what entry you find relative to the said "Juanita?"

A. I find the following:

"Marzo,

"Dia 12, Para San Blas, en lastre, el Bergantin Goleta nacional 'Juanita;' de 100 tonelados; su Capitan José Francisco Snook, y 11 hombres de tripulacion; Pasageros José Maria Covarrubias, Diego Luot, Roberto Hait, Francisco Mellus."

The translation of which is as follows:

"March 12th, for San Blas, in ballast, the national hermaphodite brig 'Juanita,' 100 tons, Captain José Francisco Snook, crew 11 men, passengers"—the same as above mentioned in Spanish.

Q. 690. Look at the said "Diario Oficial," of the 5th April, 1846, No. 36, under the heading "Editorial," and state what you find there relative to the news from California.

A. I find the following words:

"Tambien ha recibido el Supremo Gobierno noticias de la Alta California, alcauzando, las fechas hasta el 5 del mes proximo pasado, y no ocurrir en aquel departamento especial novedad."

The translation of which is as follows:

"The Supreme Government has also received news from Upper California, down to the fifth of last month, and nothing particular had occurred in that Department."

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Q. 691. Look at the "El Monitor Republicano" of the 6th April, 1846, No. 410, and at the Republicano of the same date, and state if they notice the foregoing news, and in what words.

A. They notice the same news and precisely in the same words. In both papers it is credited to the "Diario Oficial" of the 5th April, 1846.

Q. 692. Examine the "Diario del Gobierno de la Republica Mexicana," of the 27th December, 1846, No. 143, and state what you find there, extracted from the "Polynesian" of the 25th July, 1846, relative to the discovery of certain mines in California.

A. I find the following under the heading "Interior, Vera Cruz, Diciembre 13, de 1846:"

"En las islas de Sandwich, bárbaras poco ha, se ha establecido una monarquia constitucional; el poder legislativo reside en dos cámaras, la una de nobles y la otra de los comunes; el ejecutivo en el monarca Los isleños, reputados como bárbaros hasta el año pasado, tienen establecimientos públicos de todo género, y adelantan cada dia tal vez mucho mas que nosotros en la carrera de la civilizacion. En Honolulu, su capital, se publica semanariamente en clase de periódico oficial del gobierno de Java, en idióma Yngles uno titulado 'The Polynesian,' tenemos números que comienzan en 25 de Julio y alcanzan hasta el 10 de Octubre último. En el del 25 de Julio despues de darse una noticia muy comprobada del descubrimiento de una Mina de Azogue, á distancia de setenta millas al Norte de Monterey y diez millas distante del pueblo de San José en la baja California, asi como de muchas minas de plata, cobre, plomo, y otros metales y placeres de oro se dan las siguientes noticias que traducimos literalmente, sobre la ocupacion de las Californias por una partida de aventureros procedente de los Estados del occidente de la Union Anglo-Americana, capitancada por un tal Ida."

This article is credited to the "Indicador," which on its part credits it to "El Espia de la Frontera."

The translation of it is as follows:

"In the Sandwich Islands, a short time ago barbarous, a Constitutional Monarchy has been established; the legislative power is lodged in two chambers, the one of Nobles and the other of Commons; the Executive in the Monarch. The Islanders who were reputed as barbarians till last year, have public institutions of every kind, and make daily much greater progress perhaps than we in the career of civilization. In Honolulu, the capital, there is published weekly by Java, an official ournal of the government, in the English language, under the

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title of 'The Polynesian,' of which we have received some numbers, commencing on the 25th July and reaching to the 10th of last October. In the one of the 25th July, after giving a very authentic account of the discovery of a quicksilver mine seventy miles distant to the north of Monterey and ten miles distant from the town of San José in Lower California, and likewise of several mines of silver, copper, lead and other metals and placers of gold, it gives the following news, which we translate literally, on the occupation of California by a party of adventurers proceeding from the Western States of the Anglo-American Union, commanded by a certain Ida."

Q. 693. Now examine "El Republicano" of the 9th December, 1846, No. 273, and "El Monitor Republicano," of the 6th December, 1846, No. 654, and state whether you find the same notice published in those papers.

A. I find the same notice in precisely the same words, credited in both papers to the "El Espia de la Frontera."

Q. 694. Examine "El Monitor Republicano," of the 12th April, 1846, No. 416; and say if you find anything relative to the discovery of mines of coal and quicksilver in California.

A. I find in this paper, under the head of "Interior," a notice of the matters referred to in the question, in an article credited to "El Vigia del Pacifico, the first paragraph of which is in the following words:

"TEPIC, 31 de Marzo.

"CALIFORNIAS.

"Por una goleta Americana mercante, llegado el 25 del corriente á San Blas, tenemos noticias de este departamento, cuyas fechas de Monterey alcanzan al 10, y de Santa Bárbara al 17, siendo lo mas notable á que se contraen, el reciente descubrimiento de dos minerales; uno de carbon de piedra, muy inmediato al Puerto de San Francisco, y otro de azogue, cerca del Puerto de San Gabriel: los especuladores del último, estan muy contentos pues los ensayos que han practicado les han dado un resultado de un producto de un doce por ciento."

The translation of which is as follows:

"TEPIC, 31 of March.

"CALIFORNIAS.

"By an American merchant schooner which arrived at San Blas on the 25th inst., we have received news from that Department, the dates of which at Monterey reach to the 10th, and at Santa Barbara to the 17th. The most remarkable of what they contain is the recent discovery of two mineral tracts, the one of coal, very near the port of San Francisco, and the other of quicksilver, near the port of San Gabriel. The speculators

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in this last are very well satisfied, as the assays which have been made have given as result the product of twelve per cent.

Q. 695. Examine now the "Republicano" of the 11th April 1846, No. 42, and say what you find in that paper about this same matter.

A. I find the same article in precisely the same words, credited to "El Vigia."

Q. 696. Examine the "Diario del Gobierno de la Republica Mexicana" of the 19th December 1846, No. 135. State what you there find relative to the Minister of Exterior Relations, and the reading of his report to Congress.

A. In that paper I find under the heading, "Oficial, Soberano Congreso Nacional Extraordinario. Sesion del dia 14 de Diciembre de 1846," the following words:

"Se presentó el Señor Ministro de Relaciones y dijo: que al darse cuenta al Congreso en la sesion anterior, con los documentos relativos á las ocurrencias de Tabasco," etc. * * *

"En seguida procedio á la lectura de la memoria del ministerio de su cargo, y la cual se suspendió para continuarla el dia de mañana."

The translation of which is as follows:

"Official.

"EXTRAORDINARY SOVEREIGN NATIONAL CONGRESS.

"*Session of the* 14*th December* 1846.

"The Minister of Relations presented himself and said, that on giving an account to Congress at a former session, of the documents relative to the events in Tabasco," etc.

* * * * * * *

"In continuation, he proceeded to read the report of the Ministry under his charge, and the reading was suspended, to be continued the next day."

Q. 697. Do you find the same entries in the other papers?

A. In the "Monitor Republicano" of the 24th December 1846, No. 672, and in the "Republicano" of the 18th December of the same year, No. 282, I find the same article, substantially.

Q. 698. Now examine "Diario del Gobierno de la Republica Mexicana" of the 20th December 1846, No. 136; and also, "El Monitor Republicano" of the 25th December 1846, No. 673; and also, "El Republicano" of the 20th December 1846, No. 284, and say if you find in those papers a notice of the further reading of that report.

A. I find the following words in all three of those papers:

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"Se presentó el Señor Ministro de Relaciones, y continuó al lectura de la memoria de su ramo suspendiendola despues para seguirla el dia de mañana,"—referring to the proceedings of Congress on the 15th of December 1846.

The translation of which is as follows :

"The Minister of Relations presented himself and continued the reading of the report of his branch, and suspended it afterwards, in order to continue it to-morrow."

Q. 699. Examine the said "Diario" of the 21st of December 1846, No. 137, and "El Monitor Republicano" of the 28th December 1846, No. 676, and "El Republicano" of the 21st of December 1846, No. 285. State what notice they contain of the reading of the said report.

A. I find the following words in all three of those papers, referring to the proceedings of Congress, in session of the 16th December 1846 :

"El Señor Ministro de Relaciones continuó la lectura de su memoria, y habiendo concluido se retiró, quedando acordado se imprimiera."

The translation of which is as follows :

"The Minister of Relations continued the reading of his report, and when he concluded, withdrew, and it was ordered printed."

Counsel for claimant now offers in evidence the following part of "The Polynesian," printed in Honolulu, on Saturday, July 25th 1846, Vol. 3, No. 10, that is to say; beginning on the fourth column of the first page of said number, which is the 37th page of said volume with the words "For the Polynesian, California Mines, Honolulu, July 20th, 1846," and ending on the first column of the second page of said copy, being the 38th page of the said volume, with the words: "A Mexican officer of the army, a Padre, and a native of New York, are on a very small scale extracting quicksilver from the San José mines. I remain," etc. etc.

This copy of the Polynesian is herewith filed, marked, "Sandwich Island paper. W. H. C." See *ante*, p. 2223.

Examination adjourned until to-morrow, at 11 o'clock A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Sept. 28, 1859.

Examination of J. M. de Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

[Counsel for the United States objects to the introduction, in evidence, of the newspapers severally called "Diario Oficial del Gobierno Mexicana," afterwards called "Diario del Gobierno de la Republica Mexicana," (see question696), "El Republicano," and "El Monitor Republicano,'" and to any numbers or issues of the same, or to any extracts therefrom, and particularly to all those passages of the same, which have been offered in evidence, or referred to by the claimant, on the ground:

First: That they are new matter, and not proper to be offered, inasmuch as the direct examination has been closed.

Second: That they are not duly proved.

Third: That they are private documents produced out of the custody of the claimants, and entitled to no more consideration, because of their being in print, than they would be if in manuscript.

Counsel for the United States also objects, upon the same grounds, to the introduction of a paper called "The Polynesian," and especially to that portion of the same referred to, offered in evidence by the Counsel for the claimant.]

Direct Examination closed.

CROSS EXAMINATION RESUMED.

Q. 700. Were these files of newspapers, or any of them, brought by you from the City of Mexico?

A. No, sir; not one of them.

Q. 701. Have they at any time since they were printed been in your keeping, respectively?

A. No, sir; for I never kept a collection of them, even in Mexico.

Q. 702. Were you concerned in printing or editing any one of them?

A. Not in printing any of them, but merely in furnishing the editor with such official documents belonging to the Ministry of Relations, as it might be thought expedient or necessary to publish.

Q. 703. You mean that when you were Minister, you sometimes furnished documents to newspapers bearing the same names?

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A. I used to furnish them to the "Diario del Gobierno" only, from which they used to be generally copied into the other papers; and the other Ministers used to do the same in their respective departments; and, occasionally too, some other offices, as the Custom House and the Public Treasury.

Q. 704. You did not furnish to these newspapers for publication any of the articles to which you have testified?

A. It could only have been to the official journal, if any. The other two were journals of the opposition—against the Government.

The extract mentioned in the answer to question 690, the editor may, perhaps, have found in some of the documents lent to him to examine.

Those relative to the departure and arrival of vessels, he must have procured from the Ministry of Finance, or at times from the Ministry of War. Finally, those relative to the Minister of Relations presenting himself to read his report to Congress, he must have received from the Secretaria del Congreso. The other extracts are copied from papers published out of the City of Mexico.

Q. 705. That is to say, that the newspaper in question obtained its shipping news, in your opinion, from the Minister of the Marine and of War, and his congressional news from the Secretary of the Congress; but that was not my question.

I asked you, whether you, yourself, had furnished to the newspaper any of the extracts as to which you have been examined and testified. Please say whether you did, or did not?

A. Not any, unless, as I said before, perchance the extract mentioned in the answer to question 690, which, probably, he took from some official document which I showed him at that time.

Q. 706. Have you or have you not any recollection of having furnished that extract to the editor of that paper?

A. No, sir; I have no recollection of it.

Q. 707. Then you have no recollection of having furnished any of the extracts for the Mexican newspapers, as to which you have been examined?

A. I could not have furnished him with any others, as they do not belong to my office.

Q. 708. What do you know about the newspaper called "The Polynesian?"

A. I had heard of that paper, but never saw it till a few days ago.

Q. 709. Have you any knowledge of how these newspapers came to be brought to California, and who brought them?

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A. I have no personal knowledge of it, as I had had nothing to do with them, until these last days, when I saw them in Mr. Peachy's office.

Q. 710. Do not all these Mexican newspapers purport to have been printed and published in the City of Mexico?

A. They do, sir.

Q. 711. Can you give me any reason why the extracts given in answer to the 692nd question, appears in the Government paper of the 27th December, under the head of "Vera Cruz, December 13th, 1846;" whilst the same notice, in precisely the same words, had been printed in the two newspapers, "El Republicano," of the 9th, and "El Monitor Republicano," of the 6th of the same month, by which it appears that the official newspaper, was publishing, as news received from Vera Cruz, the same thing which other newspapers had published in the Capital twenty days before?

A. Of course, in answering this question, I speak of a time in the year, 1846, in which I had no longer any connection with the administration, and consequently none either with the official journal; but I think I may venture to say that the editors of the three papers mentioned must have received the extract referred to in the question in the same journal, that is, the "Indicador" of Vera Cruz, which took it from "El Espia de la Frontera," and that the official journal did not publish it until some time after the others, considering it of less importance than other matters they had on hand at the time.

Q. 712. Please look at the "Diario Oficial del Gobierno Mexicano" of Monday, 4th May, 1846, and tell me what you find there marked.

A. I find the following:

"Mas para que la horrible traicion de Alvarez sea bien comprendida, anunciamos y comprobamos con documentos intachables, que la expedicion destinada á guarnicionar y cubrir las Californias, en las momentos de mayor peligro, y cuando tropas de las Estados Unidos han comenzado á invadirlas, se ha frustrada porque D. Juan Alvarez, de acuerdo con las enemigos de la patria, se apoderó de las viveres, de las pertrechos y aun de las buques, en el momento mismo en que iban á zarpar para tomar 1,000 hombres que el gobierno, con tan laudable celo y empeño tenia situados en Mazatlan. Si las California se pierden, Alvarez, unirá á tantas responsabilidades que pesan sobre su delincuente cabeza, la de haber coöperado mas eficazmente que el mismo gabinete de Washington á la desembracion del territorio de la República."

The translation of which is as follows:

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"But in order that the horrible treason of Alvarez may be well understood, we announce and demonstrate with irrefragable documents, that the expedition destined to garrison and protect the Californias, in moments of the greatest danger, and when troops of the United States had commenced to invade them, has been frustrated, because Don Juán Alvarez, on an understanding with the enemies of the country, has seized the provisions, munitions, and even the vessels, at the very instant they were going to sail, to convey 1000 men that the Government with the most laudable zeal and earnestness had placed in Mazatlan. Should the Californias be lost, Alvarez must add to the many responsibilities which weigh on his guilty head, that of having co-operated more effectively than even the Cabinet at Washington, to the dismemberment of the territory of the Republic."

Q. 713. From all which it appears, according to the editor of the official paper, that before the 4th May, 1846, the Mexican Government considered that California was in the greatest danger of being lost to the Mexican Republic,—that troops from the United States had already commenced to invade California, —that for the protection of California the Mexican Government had taken measures to send a thousand men to California —that these measures had been frustrated by the treason of Alvarez, who had made himself an ally of the Government at Washington, and was doing more than the Americans themselves to dismember California from the Mexican Republic:

Did not the editor express the sentiments of the Government on that subject, to the best of your knowledge, obtained as Secretary of Relations at that time, and to the best of your present recollection?

A. To the best of my present recollection, I think I may safely say that the editer expressed therein his own personal sentiments and no more; and that what he stated could have no further weight than what his own opinion might be entitled to, as it was expressed in an article not included under the heading of "Oficial."

Q. 714. Were not the facts true as to the attempt to forward the troops to California, at the time stated, and as to the belief of the Government that California was already invaded by troops from the United States?

A. Their ultimate destination may have been that, but from my recollection, the true object of placing those troops in Mazatlan was to provide against any emergency, such as that of the revolution of Alvarez, which had been expected, and the protection of our ports on the Pacific Coast; but all these measures were concerted (as I have stated on another occasion) by

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the President and the Minister of War, and they only could correctly say when and wherefore any change in these military measures took place.

Q. 715. Under the head "Editorial," in the first column of the same paper, May 4th 1846, what do you find there in substance?

A. I find the news as coming from General Arista, Commander-in-Chief at Matamoras, stating that a large number of troops of the Mexican army, under the command of General Torrejon, had crossed the river Bravo, and placed themselves between the head quarters of the American army and Point Isabel; and by the official dispatch of Arista, contained in the next number of the same journal, I find that said event took place on the 24th April 1846.

Q. 716. In the same paper of Wednesday, May 20th 1846, do you not find that on that day (most probably the day before, as the paper was issued in the morning) a dispatch from General Arista, had been received, giving an account of the battle of Palo Alto, on the 8th, and by an editorial article, that news had been received at the same time of the battle of the 9th, in which said editorial article occurs the following passage:

"Venganza debe ser el grito universal, y guerra á esa pérfida nacion, que despues de haber violado los derechos de la Republica, ahora ha sacrificado á nuestros valientes, aunque con escarmiento suyo. El Gobierno Supremo está haciendo y hará nuevos esfuerzos, grandes como las circunstancias lo exigen."

The translation of which is as follows:

"Vengeance should be the universal cry, and war to that perilous nation which, after having violated the rights of the Republic, now has sacrificed our brave men, although with heavy loss to themselves. The Supreme Government is making, and will make, new efforts, great as the circumstances demand"?

A. I do.

Q. 717. And in another issue of the same paper of Friday, May 22d, 1846, do you not find another editorial upon the same subject, in which the great magnitude of the loss sustained by Mexico is admitted, and a vehement appeal is made to the Mexican nation to forget their dissensions, and unite to vindicate the national honor and repel an unjust aggression at whatever cost or sacrifice, and in which, as a sample of the whole, will be found the following passage:

"Apartemos la vista del interior de nuestra infortunada Republica; dirijamosla á esa frontera en donde se va á decidir de nuestra suerte para siempre."



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The translation of which is as follows:

"Let us turn our gaze from the interior of our unfortunate Republic; let us direct it to that frontier where our fate is going to be decided forever"?

A. I do.

Q. 718. It was in the midst of circumstances like these, that you, on the next day after the date last mentioned, to wit: on the 23d day of May, 1846, addressed your dispatch to the Governor of California, inserting therein the communication which you had received from the Minister of Justice, dated the 20th May, and signifying the assent of General Paredes to the appropriation of five thousand dollars in money, and various articles of value, to Andres Castillero and his vein of quicksilver, in California; and that you also communicated to the Governor of California the intelligence of what you call a grant to Andres Castillero of two leagues of land, situated upon and around a vein of quicksilver?

A. It was at that time that I signed the document which bears the date of 23d May, 1846.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Sept. 29th, 1859.

Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 719. Do you find in any of these Mexican newspapers, any list of arrivals at Acapulco, or any other shipping news from that port, during the months of April and May, 1846?

A. I could not say without examining them, as the shipping news was, as I said yesterday, generally directed to the Minister of War and the Minister of Hacienda.

In the official journal which I have looked over, I find no shipping news from Acapulco in the months of April and May, 1846.

Q. 720. In the "Diaro Oficial" of May 7th, 1846, do you not find a notice of the arrival of an express from California?

A. I find in said paper the notice of the arrival of communications from Alta California, advising that some dragoons from the United States, under the orders of Captain Fremont, had advanced to near Monterey, and that the commanding Gen-

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eral on the part of the Mexican Government had made a sortie with some forces and had driven them back to the mountains.

Q. 721. In the issue of the next day do you not find the official dispatch from General Castro communicating in full the same news referred to above, and that the dispatch bears date the 1st of April of that year, and refers to the next preceding dispatch from that officer to this Government as of the 5th March of the same year?

A. I do, sir.

Q. 722. In the newspaper called "Republicano," which purports to have been an evening paper issued at 3 o'clock—in the paper of the 6th of May, under the head of news received at the latest moment (that is to say, before going to press), do you not find a notice of the same news from Upper California?

A. I do, sir; substantially the same, in the following terms:

"A ultima hora.

"CALIFORNIAS.

"Ha llegado un extraordinario al supremo gobierno con comunicaciones de aquel Departamento, en que se le manifiesta el mayor entusiasmo para defender de los Americanos el territorio, y al efecto han repetido sus habitantes el desembarco de algunas tropas que pretendieron invadir el pais."

The translation of which is as follows:

"At the last hour"

"CALIFORNIAS.

The Supreme Government has received by express some communications from the Department, which tend to show that there is the greatest enthusiasm to defend the territory against the Americans, and that its inhabitants have repelled with that view some troops that had disembarked with the intention of invading the country."

Q. 723. From the extracts from the said newspapers, it appears that the news from California, of the date April 1st, 1846, was received in the city of Mexico some time during the day of the 6th of May, 1846, does it not?

A. Yes, sir.

[Question and answer objected to by Mr. Peachy, because what the journals say on that subject must be learned from the journals themselves, not from the witness' opinion of what is stated in the journals.]

Q. 724. In Mexico, expresses carrying news to the Government travel at least as fast as private travelers, do they not?

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A. They do, sir.

Q. 725. If, then, the dispatches from Gen'l Castro to the Government of Mexico, above referred to, left Monterey, in California, on the 4th day of April, 1846, on board the "Don Quixote," at the same time with Andres Castillero—as undoubtedly they did—and were not received in the city of Mexico before the 6th day of May, 1846, it follows, does it not, that Andres Castillero did not reach the city before the same day?

[Question objected to by Mr. Peachy.]

A. I could not answer affirmatively upon this point, as it would be necessary to know beforehand whether or not both Andres Castillero and the express had set off at that time on their land journey, and had had the same command of relays on the road, for it has often happened in Mexico that travelers or couriers going by express have been detained on account of these relays.

Q. 726. It is in evidence that the "Don Quixote" anchored in the harbor of Acapulco on the 21st April, 1846, without having touched at any point on her voyage to Monterey; also that Andres Castillero did not leave Acapulco for the city of Mexico until the 24th April, 1846, three days afterwards. Assuming these facts, and bearing in mind what you have just said, viz., that expresses travel at least as fast as private travelers in Mexico, is it not pretty clear that Andres Castillero did not reach the capital before the dispatches for the Government arrived there on the 6th day of May, 1846?

[Question objected to by Mr. Peachy, and for the purpose of saving any further cross-examination on this point, the counsel for the claimant is willing to admit, that if Andres Castillero and the bearer of these dispatches left Acapulco at the same moment, and traveled towards Mexico over the same road during the same time, and with the same speed, that they must have reached Mexico about the same time; he is also willing to admit, that if couriers always traveled faster than private individuals, and if Castillero and the courier left Acapulco at the same time, and traveled over the same road to Mexico, the courier would have reached there first.

Counsel for the United States desires to have it noted, that if the counsel for the claimant is unwilling under the circumstances to admit that Andres Castillero did not arrive in the city of Mexico before the 6th day of May, 1846, he prefers to have the answer of the witness to the foregoing question.]

A. In Mexico, private travelers, particularly when they travel on horseback, go often pretty nearly at the same speed

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as expresses; and when they have any important business on hand prefer to go by express;—supposing then, that Andres Castillero traveled by express, as I think it very probable, I see no reason why, having left Acapulco on the 24th April, 1846, he should not have arrived the very first days of May in Mexico, and consequently before the courier express, who arrived only on the 6th, for what cause it would be impossible for me to say.

Q. 727. I presume you see just as little reason why the communication should not have arrived by the first days of May?

A. If they were conveyed to Mexico by the express courier I referred to, they could not be received in Mexico before the courier himself arrived.

Q. 728. The very conclusive nature of your last answer induces me to ask you whether, if Andres Castillero was himself the express messenger, and the bearer of these dispatches from California (as was undoubtedly the fact), you can see any reason to suppose it possible that he reached the city of Mexico before the dispatches?

[Question objected to by Mr. Peachy, because it states as a fact what is not proven, to wit, that Castillero was himself the bearer of dispatches.]

A. I have been speaking upon the supposition that it was not Andres Castillero, but some express courier who was the bearer of the dispatches from Acapulco to Mexico; I cannot say whether such was the case or not, as I have no knowledge of it.

Q. 729. Would it be according to the custom as to those matters in Mexico for an express courier carrying important government dispatches to lie by three days in Acapulco, to wait until Andres Castillero, a private traveler, was ready to set out?

A. It would not certainly be the fault of the courier himself, but it might be on account of his having been detained by the civil government, or the military commander of the place;—this, I think, is a circumstance which has sometimes happened when they have wished to avail themselves of the opportunity in order to give some particular information to the government.

[Question objected to by Mr. Peachy as irrelevant; and the answer, on the ground that it contains a mere conjecture.]

Q. 730. You are not prepared then, under all the circumstances of this matter, to give it as your conviction, that it is in the least degree improbable that Andres Castillero reached the city of Mexico before the 6th May, 1846?

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[Question objected to by Mr. Peachy, because it is irrelevant; and upon the ground that it asks the witness' opinion merely, and seeks from him an inference drawn from facts with which the counsel for the Government is as familiar as the witness.

The counsel for the claimant adds, that he has refrained from making objections to a great number of questions asked by the counsel for the Government, for the reason that it is the practice of the Commissioner under the direction of the Court to take the answers of the witness, subject to the objection. The noting of the objection therefore, would have the effect merely of incumbering the record, already too much incumbered with irrelevant matter. At this point of the examination, the counsel for the claimant conceives it due to himself to make this statement.]

A. I can affirm nothing on the matter, but, from the circumstances of the case, I think it probable that Andres Castillero may have reached the City of Mexico before the 6th May, 1846.

[Answer objected to by Mr. Peachy, as containing nothing more than a conjecture.]

Q. 731. Have you no recollection of the receipt of this news from California?

A. I have a recollection of its having been received.

Q. 732. Of the person who brought it?

A. Not of the person who brought it, as it was not directed to my department.

Q. 733. In General Castro's dispatch to the Government, above referred to, do you not find this passage:

"Los deseos de poner cuanto antes en el conocimiento del Supremo Gobierno este suceso, me poner en el caso forzoso de fletar un buque que directamente de la vela para Acapulco, conduciendo al Capitan D. Andres Castillero, Comisionado por el Supremo Gobierno en este departamento, cuyo indivíduo, a pesar de su escasa salud, emprende su marcha solo con el fin de hacer un servicio particular al pais y en general á la nacion."

The translation which is as follows:

"The desire to place as soon as possible this event in the knowledge of the Supreme Government, obliges me to charter a vessel to sail immediately for Acapulco, carrying the Captain, Don Andres Castillero, a Commissioner from the Supreme Government to this Department, which individual, in spite of his bad health, undertakes his journey solely for the purpose of rendering a special service to this country, and in general to the nation."

A. I do.

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Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., Sept. 30, 1859.

Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 734. Give the whole of the extract from the Mexican newspapers to which you refer in your answers to questions 690 and 691.

A. It is as follows, as taken from the "Republicano," Vol. 1, No. 37, April 6, 1846.

"Muy Importante:

"*En el Diario Oficial de ayer se lee lo siguente:*—

"El Escmo, Sr. General D. Francisco Mejia, communica al Supremo gobierno, que el ejercito Americano se hallaba á dos leguas distante de la ciudad de Metamoras, despues de haberse colocado en el Brazo de Santiago con tres buques de guerra y veintiuno de trasporte. Es indecible el entusiasmo tanto del ejercito, como del vecindario, para repeler al enemigo y hacer una heróica defensa. Cartas particulares de personas fidedignas, refieren que trescientos vecinos de Matamoros, con su venerable párroco y prefecto á la cabeza, salieron á intimar al General Taylor, que jamas consentirian la dominacion de los Estado Unidos, y en seguida para demostrarselo incendiaron las casas situadas en el campo, con un heroismo digno de los mejores tiempos de Esparta. Cuando escribimos estas lineas ya habrá tronado el cañon. El General Ampudia esfuzaba sus marchas y hoy se hallará adelante de Monterey. No pedimos al Dios de los ejercitos, mas que tiempo y su proteccion, y se fijará con gloria el nombre de la gran Republica Mexicana.

"Tambien ha recibido el Supremo Gobierno noticias de la Alta California, alcanzado las fechas hasta el 5 del mes procsimo pasado, y no ocurria en aquel Departamento especial novedad. Los Señores comandantes, Castro y Vallejo, se esplican con el mayor entusiasmo para defender aquel interesante territorio, y ofrecen sostenerlo aun cuando sea preciso que el enemigo pase sobre sus cadáveres. Se nos ensancha el corazon al observar el noble entusiasmo de los Mexicanos, que en los puntos de mayor riesgo sostienen denodados los derechos santos de su pátria."

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The translation of which is as follows:

"Very Important:

"*In the Diaro Oficial of yesterday, will be found the following:*

"The most Excellent Sr. Don Francisco Mejia communicates to the Supreme Government that the American army was stationed at two leagues distance from the City of Metamoras, after having occupied the Brazos de Santiago with two vessels of war, and twenty-one transports. The enthusiasm of the army, as well as of the neighboring country, is inexpressible, to repel the enemy and to make a heroic defense. Private letters from persons worthy of credit, relate that three hundred of the population of Metamoras, with their venerable parish priest, and the prefect at their head, sallied out to intimate to General Taylor that they would never consent to the domination of the United States; and therefore, to prove it, burned the country houses, with a heroism worthy of the best days of Sparta. Whilst we write these lines, the cannon must have already thundered. General Ampudia was pressing his march, and should now be beyond Monterey. We ask of the God of armies only time and his protection, and the name of the great Mexican Republic shall be inscribed in glory.

"The Supreme Government has also received news from Upper California of dates to the 5th of the last month, and nothing had happened in that department of especial novelty. The Señores Commandantes, Castro and Vallejo, express the greatest enthusiam for the defense of that interesting territory, and promise to maintain it even when it may be necessary for the enemy to pass over their dead bodies. Our heart swells to observe the noble enthusiasm of the Mexicans, who at the points of greatest hazard maintain with heroism the sacred rights of their country."

Q. 735. Look at the "Diario Oficial del Gobierno Mexicano," of Thursday, April 24th, 1846, and say what you find under the editorial head.

A. I find the following:

EDITORIAL.

"Se han recibido noticias en el Ministerio de la guerra, de Metamoros, cuyas fechas llegan al 13 del corriente y son muy satisfactorias. La division del Sr. Ampudia llegaba dentro de dos dias á la ciudad y muy en breve se esperaba al Sr. Arista para que tomara el mando. Los preparativos de nuestro ejército eran muy activos en campaña, y grandes probabilidades existen de que alcanzará un triunfo importante y acaso decisivo. Mañana publicarémos algunos documentos."

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TRANSLATION.

"News has been received in the Ministry of War from Metamoras, of dates which come down to the 13th instant, and very satisfactory. The division of Ampudia had been two days in Metamoras, and Arista was very soon expected to assume the chief command. The preparations of our army for entering upon the campaign were going on very actively, and the greatest probabilities exist that it will obtain an important and perhaps decisive triumph. To-morrow we shall publish some documents."

Q. 736. Look at the "Diario Oficial," etc., of Friday, April 24th, 1846, and say whether you do not find a proclamation of President Paredes, and accompanying the same various dispatches from the Commanders of the Mexican Army on the Rio Grande; in which proclamation, based upon the accompanying dispatches, President Paredes formally declares war against the United States, or (as it may be considered) formally announces the existence of war between Mexico and that country?

A copy of which proclamation, with the translation thereof, is herewith filed and marked "Exhibit Castillo Lanzas No. 2, W. H. C."

A. I do see the document referred to in the question, and the accompanying document, but at the same time I beg leave to answer, that in said manifesto or proclamation of President Paredes, he solemnly announces that he does not declare war against the United States; his words are as follows:

"Anuncio solemnemente que no decreto la guerra al Gobierno de los Estados Unidos de America, porque al Congreso Augusto de la nacion pertenence y no al ejecutivo, resolver definitivamente la reparacion que exijan tantas ofensas. Mas la defensa del territorio Mexicano que invadan tropas de los Estados Unidos, es una necesidad urgente, y mi responsabilidad seria inmensa ante la nacion, si no mandara repeler a las fuerzas que obran como enemigas, y lo he mandado. Desde este dia comienza la guerra defensiva y seran defendidos esforzadamente cuantos puntos de nuestro territorio fueren invadidos ó atacados."

The translation of which is as follows:

"I solemnly announce that I do not declare war against the Government of the United States of America, because it is for the August Congress of the Nation, and not for the Excutive to resolve definitely the satisfaction due for so many offences. But the defense of the Mexican territory, invaded by troops of the United States, is an urgent necessity; and my responsi-

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bility to the Nation would be immense, did I not order that the forces who operate as enemies should be repelled; and I have so ordered it. From this day commences the defensive war, and all the points of our territory, which may be invaded or attacked, shall be strongly defended."

Q. 737. In the same document you observe, also, the following passage:

"La villa de Laredo fue sorprendida por una partida de sus tropas, y desarmado un piquete de las nuestras que se hallaba alli de descubierta. Las hostilidades, pues, se han roto par los Estados Unidos de America, emprendiendo nuevas conquistas sobre los territorios de la demarcacion de las departamentos de Tamaulipas y de Nuevo Leon, al paso que tropas de los mismos Estados Unidos, amenazan á Monterey en la Alta California."

The translation of which is as follows:

"The town of Laredo has been surprised by a band of their troops, and one of our pickets which was there unprotected has been disarmed. Hostilities thus have been opened by the United States of America, undertaking new conquests of territories, within the limits of the Departments of Tamaulipas and Nuevo Leon, at the same moment that the troops of the same United States threaten Monterey, in Upper California?"

A. I do.

Counsel for the claimant objects to the introduction of the extracts from the newspapers, by the counsel for the United States, upon the ground that they are irrelevant.

Counsel for the United States has offered the said extracts, among other purposes, as pertinent to the question whether the pretended mining concession and grant in colonization, set up by the claimant in this case, were made before or after the beginning of the war between the United States and Mexico.]

Examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, October 1st, 1859.

Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

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Q. 738. Have you any recollection of having transmitted to the Governor of California any communication, other than the dispatch concerning a grant of land to Andres Castillero?

A. Not a distinct recollection of any particular communication, but the circulars which were sent to the other Governors were transmitted to him likewise.

Q. 739. Look at the writings to be found on pages 273, 274, 275, 276 and 277, (in red ink) in volume 18 from the office of the Surveyor General of California, and indorsed "Decrees and Dispatches, 1845 and 1846," and say whether the circular dated January 14, 1846, and the decree, dated March 13th, 1846, and the circular dated March 24th, 1846 (copies of which are herewith filed and marked, respectively, "Exhibits Castillo Lanzas, Nos. 3, 4, 5, W. H. C."), respectively bear your genuine signature.

A. They do bear my genuine official signature.

Q. 730. What is the difference between your official signature and your private signature.

A. In my private signature I write my full name, and in the official signature, as Secretary of State, only one half the name is generally written, as I stated the other day.

Q. 741. On these papers I observe that you write your name "Castillo Lanzas," and that your signature as you write it in signing the direct examination is "Castillo y Lanzas;" what is the reason of the difference,—is it casual, accidental, or is there any reason for it?

A. It is because my half signature has been, invariably, "Castillo Lanzas," in which I always omit the Christian names, the "de" and "y."

[Counsel for the United States offers in evidence, copies of the documents, with translations, referred to in question 739. Counsel for claimant objects to the same, upon the ground that they are irrelevant.]

Examination closed.

W. H. CHEVERS,
U. S. Commissioner.

J. M. DE CASTILLO Y LANZAS.

Sworn to and subscribed October 24, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

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NOTE BY THE COMMISSIONER.—This deposition was signed at this day, because the Commissioner was engaged in taking other testimony, and had not time to read it over with the witness until within the last few days.

W. H. CHEVERS,
U. S. Commissioner.

Filed October 24, 1859.
W. H. CHEVERS, Clerk.

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## EXHIBIT CASTILLO LANZAS No. 1, O. H.

SECRETARIA DE ESTADO Y DEL DESPACHO DE RELACIONES EXTERIORES.

He dado cuenta al E. S. Presidente de la República con la exposicion que V.V. le han dirigido en 3 del actual, haciendo una reseña de cuanto ocurrió respecto del descubrimiento que uno de V.V. hizo en fines del año de 1845, de una mina de azogue en la mision de Santa Clara de la Alta California, modo en que fué puesto en posesion de ella por el Juez de primera instancia del pueblo de S$^{n}$. José, y concesion que se le hizo despues por el Supremo Gobierno de dos sitíos de ganado mayor sobre el terreno de aquella posesion minera; manifestando V.V. que apesar de las constancias oficiales que se les han expedido sobre la aútenticidad de todos esos hechos, los Tribunales Americanos de la Alta California los ponen en duda, y pretenden que la Unica manera de que haga fé el testimonio de los titulos que fundan el derecho de V.V. sobre dichas posesiones, es autorizarlo con el gran Sello national de esta República, lo cual solicitan se les conceda por via de gracia, expédiendose á ese fin un decreto especial por el E. S. Presidente, del que se les dará copia para los fines que indican; y por último, que por esta Ministerio se hagan al Gobierno de los Estados Unidos las reclamaciones á que dá lugar la violacion en este negocio del Tratado de Guadalupo, y la infuriosa duda que uno de los Tribunales de la Union ha manifestado sobre la autenticídad de documentas autorizados conforme á los leyes de esta República.

Impuesto S. E. de todo este asunto con la debida detencion, se ha servido resolver se diga á V.V. en respuesta, como lo verifico, que respecto de su pretencion de que se refrenden los documentos que indican con el gran Sello nacional, no puede accederse á ello en razon de que él tiene, por la ley especial de su creacion, un destino tambien especial y absolutamente diverso, á la vez que esos documentos se autentizan en la forma prescrita por los leyes de esta República, conforme á los cuales se han expedido y se expiden todos los de su clase.

Ygualmente me manda S. E. manifestar á V.V., que aunque el Supremo Gobierno se encuentra dispuesto á darles toda la proteccion que les debe, cierto como está de la autenticídad de la concesion y de la de los documentos, de que aquí se trata, no puede otorgarles otra especie de refrenda que la regular autorizada por las leyes y por la práctica internacional, en cuya conformidad este Ministerio hará justicia à todas sus de-

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mandas, y expedirá los nuevos documentos que V.V. solicitan en la forma que se piden; y por último, en lo que toca al punto de reclamaciones que V.V. indícan se hagan al Gobierno de los Estados Unidos, el de la República dispondrá oportunamente lo que convenga.

Al comunicar á V.V. todo la expuesto, de órden el E. S. Presidente, como resultado de su exposicion mencionada, les ofrezco las seguridades de mi consideracion.

Dios y Libertad.

México, Diciembre 22 de 1858.

CASTILLO LANZAS.
[Rubric.]

Sres. D. Andres Castillero y D. Eustaquio Barron.

—

The undersigned, Her Britannic Majesty's Minister Plenipotentiary, hereby certifies that Castillo Lanzas, whose signature appears at the foot of the foregoing document, was at such date, Secretary of the State for Foreign Affairs of the Mexican Republic.

[SEAL.] In testimony whereof, I hereunto set my hand and seal, at Mexico, this 27th day of December, 1858.

N. OTWAY.

—

No. 263. CONSULATE OF THE U. S. OF AMERICA,
Mexico, December 28th, 1858.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of Castillo Lanzas, subscribed to the foregoing document, under date of the 22d instant, is the genuine signature of said person, who is well known to me, and was at the date aforesaid, Minister of Foreign Relations of the Mexican Government.

Register J. folio 36.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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## EXHIBIT CASTILLO LANZAS No. 2, W. H. C.

REPUBLICA MEXICANA, SECRETARIA DE ESTADO Y DEL DESPACHO DE RELACIONES EXTERIORES.

No. 61.
Registrado á fojas 47, del libro del ramo.

[MEXICAN COAT OF ARMS.]

Filiacion.

—

Edad.....años.....
Estatura .....
Color.....
Ojos.....
Nariz .....
Pelo .....
Barba.....
Señas particulares.

Firma del Portador.

Derechos, dos Pesos.

—

El portador, si fuere mexicano, se presentará dentro de ocho dias al Cónsul ó Vice Cónsul de la República del lugar dónde fije su residencia, ó al mas inmediato si no lo hubiere alli; en el concepto de que de no hacerlo, quedará privado de la proteccion que pudieran darle los agentes mexicanos.

El Secretario de Estado y del Despacho de Relaciones Exteriores de la República Mexicana.

Concede libre y seguro pasaporte al Señor Don Joaquin Maria de Castillo y Lanzas, Yntendente de Marina retirado é hijo, para que pueda salir de la República, y encarga á las autoridades tanto civiles como militares, no le pongan embarazo en su tránsito, hasta su salida, franqueandole los auxilios que pueda necesitar, pagados por sus justos precios.

Dado en el Palacio nacional de México á 23 de Abril de 1859.

BONILLA.
[Rubric.]

Valga por el tiempo necesario.

(Endorsed.)

I have compared this copy with my passport, referred to in the question 667, and find it to be an accurate photographic copy of the original.

San Francisco, 24th October, 1859.

J. M. DE CASTILLO Y LANZAS.
[Rubric.]

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## EXHIBIT CASTILLO LANZAS No. 3, W. H. C.

"MANIFIESTO del Exmō Sr. Presidente Interino de la República, a la Nacion.

"Cuando en principios del año tomé sobre mí la grave responsibilidad de rigir los destinos de la nacion, por un corto tiempo, me propuse, con ánimo resuelto, sostener y defender sus derechos y prerogativas, cambiando la politica débil y perniciosa de contemporizacion, que se habia observado para con el gobierno de los Estados Unidos de América, á pesar de la perfidia con que preparó la ocupacion de Tejas, del dolo con que violó los tratados existentes que garantizaban los limites de la República, del acto proditorio con que incorporó uno de nuestros departmentos, á los estados de su confederacion. La nacion mexicana no conquistó por medio de los mas cruentos y heróicos sacrificios, su independencia, ni tomó asiento entre las civilizadas del globo, para convertirse en el ludibrio de una potencia vecina, que explotando nuestras querellas, nuestros penosos disturbios y la debilidad exagerada que produjeron, se anunció con el aparato de las conquistas, y comenzó á invadir nuestro territorio, para deleitarse en el sueño de que podria extinguir la raza varonil á que pertenecemos, aplicarnos el hierro que llevan sobre sus frentes los esclavos del Sur, extinguir nuestra nacionalidad, y abandonarnos el humillante infortunio del olvido. Este pueblo magnanimo, que en una lucha de once años de sangre y de exterminio, probó, no menos su denuedo que su constancia, esperaba con impaciencia lanzarse á otra nueva guerra á que la llamaban las agresiones escandalosas de un gobierno, que se decia amigo, y que para envilecernos, descansaba en su poder y descuidaba de apoyarse en los titulos de equidad y de justicia que respetan todas las naciones, que robustecen las esperamzas de la paz, y que mantienen la armonia del universo. Por esto es que la nacion mexicana sancionó el movimiento que inicié en S. Luis Potosí, no para buscar el augustioso ejercicio del poder, sino para que el de mi pátria brillara con el triunfo de una causa, que es la de los principios conservadores de las sociedades humanas.

"Los antiguos agravios, las ofensas que desde el año de 836, ha reproducido incesantemente el gobierno de los Estados Unidos, contra el pueblo de México, se consumaron con el insulto de enviarnos un ministro para acreditarlo cerca de nuestro gobierno con el carácter de residente, como si las relaciones entre las dos repúblicas no hubieran padecido alteracion alguna al consumarse el acto definitivo de la incorporacion de Tejas. Al

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mismo tiempo que Mr. Slidell se presentó, las tropas de las Estados Unidos ocupaban nuestro territorio, sus escuadras amenazaban á nuestros puertas, y se preparaba la ocupacion de la peninsula de las Californias, de que no es mas que un preliminar, la cuestion del Oregon con la Inglaterra; y no admití á Mr. Slidell, porque la dignidad de la nacion repelia este nuevo insulto.

"Entre tanto, el ejercito de los Estados-Unidos se acantonó en Corpus-Christi y ocupó la isla del Padre Vayin; se dirigió en seguida al Fronton de Santa Isabel, y tremoló el pabellon de las estrellas en la márgen derecha del Rio Bravo del Norte, frente á la ciudad de Metamoras, apoderándose antes de la navegacion del rio, con sus buques de guerra. La villa de Laredo fué sorprendida por una partida de sus tropas, y desarmado un piquete de las nuestras que se hallaba allí de descubierta. Las hostilidades, pues, se han roto por los Estados-Unidos de América, emprendiendo nuevas conquistas sobre los territorios de la demarcacion de los departamentos de Tamaulipas y de Nuevo-Leon al paso que tropas de los mismos Estados-Unidos, amenazan á Monterey en la Alta California. No se dudará á cuál de las dos Repúblicas pertenece la responsabilidad de una guerra que pudo haber evitado un sentimiento de equidad y de justicia, y el respeto que la civilizacion ha introducido á los derechos y propiedades de todas las naciones. Si México sufriera con indolencia los reiterados avances de una portencia que ya se considera dueña y señora del continente americano, no solamente perderia la importancia que su poblacion y sus recursos y su privilegiada situacion le han dado desde que se erigió en nacion independiente, sino que caeria en un vergonzoso desprecio, porque llamada al combate, dejaba perder, de una en una, las partes integrantas de su territorio. Tantos y tan duros ultrajes, no podian tolerarse mas tiempo, y he mandado al general en gefe de la division de nuestra frontera del Norte, que hostilice al ejercito que nos hostiliza, que corresponda con la guerra al enemigo que nos la hace, y que invocando al Dios de las Batalias, salve el valor de nuestros soldados, el derecho incuestionable á nuestro territorio y el decoro de unas armas que no mas van á emplearse en defensa de la justicia. Modelándose nuestro general por los usos establecidos y con arreglo á terminantes prevenciones de mi gobierno, intimó al general en gefe de las tropas americanas, que retrocediera al otro lado del rio de las Nueces, antiguo limite de Tejas, y la intimacion ha sido desechada.

"Las naciones, á las que interesa que no se turbo el reposo de tantos años, y que podrán ser perjudicadas en sus relaciones de comercio con la República Mexicana, penetran la dura al-



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ternativa á que la ha reducido la politica invasora de los Estados-Unidos, y que sucumbiria, si no defendiera enérgicamente su existencia comprometida. Anuncio solemnemete que no decreto la guerra al gobierno de los Estados-Unidos de América, porque al congreso augusto de la nacion pertenece, y no al ejecutivo, resolver definitivamente la reparacion que exijan tantas ofensas. Mas la defensa del territorio mexicano que invadan tropas de los Estados-Unidos, es una necesidad urgente, y mi responsibilidad seria inmensa ante la nacion, si no mandara repeler a las fuerzas que obran como enemigas, y lo he mandado. Desde este dia comienza la guerra defensiva, y serán defendidos esforzadamente cuantos puntos de nuestro territorio fueren invadidos ó atacados.

"Ha llegado, en fin, el caso que los gobiernos de la nacion mexicana procuraron sin fruto alguno alejar debatiendo los claros titulos de su justicia; y hollados como lo han sido estas, entramos en una lid necesaria, que va á ganarnos las simpatias de los pueblos y de los gobiernos, que condenan las usurpaciones de los fuertes. Nosotros lo seremos por la santidad del proposito y porque cuando todo se vé comprometido, los esfuerzos corresponden al tamaño de las exigencias. Entre tanto, la nacion Mexicana resolverá exponerlo todo para salvarlo todo; y dará un ejemplo sublime de consegracion, que sirva para reproducir aquella gloria, que alcanzaron tantas veces los pueblos que sostuvieron en todos los siglos, su independencia y sus libertades.

"Yo me evanezco de que la voluntad de la Providencia hubiera destinarme á ser el órgano por donde se explique la enérgica voluntad de la República mexicana. Probaremos en los combates, que los hijos de los héroes y de los mártires de la independencia, se alientan con los recuerdos de su pura gloria; que el valor no ha degenerado en sus pechos, y que están dispuestos á inmolarse en las aras de sú patria.

"¡Mexicanos! Yo alzo en este memorable dia, el estandarte de la independencia, en que observais inscritos los nombres ilustres de Hidalgo y de Iturbide. Reunios bajo esta sagrada insignia, dejando para tiempos de menor peligro, las cuestiones y las diferencias interiores. Yo es he ofrecido, que la gloria que busco, como prémio de mi azarosa carrera, no es la del ambicioso que considera al poder una presa de rapiña. Yo he jurado mantener á la República todas sus derechos, en la época breve de mi gobierno; y ahora que os excito á la lucha y os advierto que son necesarios grandes sacrificios, tambien os prometo, que no se esquivará el de mi sangre, si fuere necesario.

"¡Mexicanos! Vuestro valiente ejercito va á pelear, y peleará con el valor de los héroes; anticipadle vuestras bendiciones

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y preparaos á coronar sus nobles frentes, ó sus venerables túmulos si sucumbieren, cuando el destino os convoque á reemplazar sus filas. Mexico vencerá ó no existirá!

"Palacio nacional de México, Abril 23 de 1846.

MARIANO PAREDES Y ARRILLAGA."

*Diario Oficial del Gobierno Mexicano, 24 de Abril de* 1846.

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## EXHIBIT CASTILLO LANZAS No. 4, W. H. C.

MINISTERIO DE RELACIONES EXTERIORES GOBERNACION Y POLICIA.

Circular.

E. S.—El Supreme Gobº. tiene noticia q. algunas famílias procedentes de los E. Unidos—se han establécído en varios puntos fronterizos dé esta República cuya circunstancia, si en cualquier epoca deberia llamar la vigilancia de las autoridades lacales, y de las generales de la Nacion, hoy ecsíje así de estas como de aquellas se dícten todas las providencias q. sean conducentes á la seguridad y conservacion del territorio, estando interrumpidas las relaciones diplomaticas con el Gobº. de dichos estados.

En consecuencia el E. Sõr. Presidente interíno se ha servido disponer que durante la actual interrupcion de dichas relaciones, no se permita establecerse á los ciudadanos de aquella República—en los indicados puntos; y q. á los q. no tengan una radicacion antigüa se les oblígue á internar.

De suprema orden lo digo á V. E. pª. su inteligencia y á fin de q. se sirva mandar líbrar las ordenes correspondientes al objeto. Dios y Libertad Enero 14 de 1846.

CASTILLO LANZAS.

Sõr. Gobernador del Departamento de Californias.

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## EXHIBIT CASTILLO LANZAS No. 5, W. H. C.

Pio Pico Gobernador Constitucional del Departam^to de California á sus habitantes sabed: Que por el Ministerio de relaciones exteriores Gobernacion y Policia se me ha derigido el decreto que sigue:

"MINISTERIO DE RELACIONES EXTERIORES GOBERNACION Y POLICIA.

R. y P. el dia 19 y R. á los Juzgados 1° y 2°.

"El Exmo. Sr. Presidente interino de la Republica, se ha servido dirigirme el decreto que sigue:

'Mariano Paredes y Arrillaga, General de Division y Presidente interino de la Republica Mexicana, á los habitantes de ella, sabed. Que considerando que por el estado en que se encuentra la Patria amagada de una guerra extrangera, é invadida una grande y preciosa parte de su territorio, es llegado el caso de obrar con la mayor actividad y energia para repeler la mas injusta de las agresiones, recuperar el territorio usurpado, y conservar el lustre y decoro de la Nacion; y teniendo presente que para lograr tan grandiosas objetos, es de absoluta necesidad alfianzar el orden y la pas interior; usando de las facultades que me concede la cuarta de la adiciones hechas en esta Capital en 2 de Enero del presente año, al plan proclamado en S. Luis Potosí, he tenido á bien decretar lo siguente.

'Art. 1°. El Gobierno nombrará los Gobernadores de los Departamentos sin sujetarse á propuesta de las asambleas por hallarse la Nacion en las circunstancias extraordinarias de que habla el final de la facultad 17, a del art. 134, de las Bases orgánicas.

'2°. En los Departamentos en donde por oposicion al actual órden de cosas se hallen disueltas las asambleas, los Gobernadores respectivos nombraran con aprobacion del Supremo Gobierno las personas que estimen á prepósito para formarlas, por no ser justo ni conviniente que los Departamentos carezcan de los importantes servicios que deben prestarles esas corporaciones.

'3°. Con igual objeto se faculta á los Gobernadores para organizar los Ayuntamientos en los puntos donde estuvíeren disueltos.

'4°. Se recuerda á los Gobernadores de los Departamentos para su puntual observencia la circular de 24 de Diciembre del año próximo pasado, en que se les transmitio la ampliacion de facultades concedidas al Ejecutivo por el decreto del Con-

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greso, fecha 21 del mismo, conforme al art. 198 de las Bases orgánicas.

'5°. Se faculta á los Gobernadores de los Departamentos para que encasos extraordinarios obren espeditamente y con la debida justificacion para salvar los grandes intereses de la independencia é integridad del territorio nacional, y para asegurar la tranquilidad y el orden publico, sin los cuales no pueden sostenerse aquellos inestimables bienes.

'Por tanto, mando se iniprima, publique, circule y se le dé el debido complimiento. Palacio Nacional de Mexico, 13 de Marzo, de 1846.

MARIANO PAREDES Y ARRILLAGA.

A D. Joaquin Maria Castillo y Lanzas.'

'Y lo comunico á V. para su inteligencia y fines cousiguientes.

'Dios y Libertad, Mexico 13 de Marzo de 1846.

CASTILLO LANZAS.
[Rubric.]

"E. Sr. Gobernador del Dep^to^ de Californias."

—

Que llegue á noticia de todas mando se publique por bando en todas los pueblo del Departamento se círcule á quienes corresponda, se fije en los parages publicos acostumbrados, Dado en el Puerto de S^ta^ Barbara á 4 de Julio de 1846.

PIO PICO.
[Rubric.]

JOSE MATIAS MORENO,
Srio.

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## EXHIBIT CASTILLO LANZAS No. 6, W. H. C.

MINISTERIO DE RELACIONES EXTERIORES GOBERNACION Y POLICIA.

Circular.

EXMO. SR.—El manifiesto que el E. Sōr. Presidente interino de la Republica ha creido conveníente dirigir á sus con ciudadanos y de que acompaño á V. E. ejemplares, comprende la declaracion de la fé politica de en Ex^a^. ye de la con-

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ducta que se propone seguir en las presentes circunstancias en que la Nacion demanda urgentemente el esfuerzo unido de todos sus hijos pª. salvarla. Nada és mas conducente á tan noble obgeto que el obrar con la mayor energia para conservar el orden interior á fin de combertir toda la atencion á repeler la agresion extrangera; y en tal virtud su Exª. no duda de que teniendo V. E. pleno conveímiento de los deseos y sentimientos de que se halla animado, travajará infatigable y en comonancia como debe esperarse de su patriotismo y de la coöperacion que ciertamente le prestarán todos los habitantes de ese Departamento para quienes la independencia de la Republica deberá ser el primero de los bienes que á toda costa quieran comervar. Dios y Libertad. Mexico 24 de Marzo de 1846.

CASTILLO LANZAS.

E. S. Gobernador del Departamtº de Californias.

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TRANSLATION OF EXHIBIT CASTILLO LANZAS, No. 1.

I have informed His Excellency the President of the Republic of the exposition which you addressed to him on the 3d instant, reviewing all that had occurred respecting the discovery made by one of you in the latter part of the year 1845, of a quicksilver mine at the Mission of Santa Clara of Upper California, the manner in which he was placed in possession of the same by the Judge of First Instance of the Pueblo of San José, and the grant which was afterwards made to him, by the Supreme Government, of two square leagues upon the land of said mining possession; you showing that notwithstanding the official proofs which have been furnished you as to the authenticity of all those facts, the American Tribunals of Upper California doubt them, and pretend that the only mode by which the certified copy (testimonio) of the titles upon which are based your rights to said possessions can be made worthy of faith, is by authenticating the same with the great national seal of this Republic, which you solicit may be granted to you as an act of grace, by his Excellency the President issuing for that purpose a special decree, a copy of which is to be given to you for the purposes you indicate; and finally, that through this Ministry there be made to the Government of the United States the remonstrances demanded by the violation in this affair of the treaty of Guadalupe, and the offensive doubt shown by one of the Tribunals of the Union as to the authen-

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ticity of the documents certified according to the laws of this Republic.

His Excellency having considered all this matter with due attention, has been pleased to determine to have stated to you in reply, as I now state, that as your request that the documents you refer to be authenticated with the great seal of the Nation, it cannot be granted, for the reason that it has, by the special law which created it, been devoted to an absolutely different and also special use, while those documents are authenticated in the form prescribed by the laws of this Republic, according to which they have been, and all others of their class are, issued.

In like manner, His Excellency commands me to state to you that, although the Supreme Government is disposed to give you all due protection, certain as it is of the authenticity of the grant, and of that of the documents here referred to, it cannot affix to them any other kind of authentication than the usual one authorized by the laws, and by international practice, in conformity with which the Ministry will do justice to all your demands, and will issue the new documents you solicit in the form in which they are asked; and finally, as regards the remonstrances which you suggest be made to the Government of the United States, that of the Republic will take the proper measures in due time.

Upon communicating to you the foregoing, by order of his Excellency the President, as the result of your said exposition, I offer you the assurance of my consideration.

God and Liberty. Mexico, Dec. 22d, 1858.

CASTILLO LANZAS.

[Rubric.]

Señores Don Andres Castillero, and Don Eustachio Barron.

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The undersigned, Her Britannic Majesty's Minister Plenipotentiary, hereby certifies that Castillo Lanzas, whose signature appears at the foot of the foregoing document, was at such date, Secretary of the State for Foreign Affairs of the Mexican Republic.

[SEAL.] In testimony whereof, I hereunto set my hand and seal, at Mexico, this 27th day of December, 1858.

N. OTWAY.

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No. 263. CONSULATE OF THE U. S. OF AMERICA,
Mexico, December 28th, 1858.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of Castillo Lanzas, subscribed to the foregoing document, under date of the 22d instant, is the genuine signature of said person, who is well known to me, and was at the date aforesaid, Minister of Foreign Relations of the Mexican Government.

Register J. folio 36.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No 2.

[SEAL.]

[MEXICAN COAT OF ARMS.]

Register.

Age.....years.....
Stature.....
Color.....
Eyes.....
Nose.....
Hair.....
Beard.....

Private marks.

Signature of the bearer

Dues two dollars.

The bearer, if a Mexican, shall present himself in thirty-eight days to the Consul or Vice Consul of the Republic, at the place where he may fix his residence, or if there be none at such place, to the nearest thereto, with the understanding that if he fail to do so, he will be deprived of the protection which might be given him by Mexican agents.

No. 61,
Registered at page 47 of the book of the branch.

The Secretary of State and of the Dispatch of Exterior Relations of the Mexican Republic.

Grants a free and safe passport to Sōr Don Joaquin Maria de Castillo y Lanzas, a retired Intendent Marine, and son, so that he may leave the Republic, and he charges the authorities, civil as well as military, to place no obstacle in his way until his departure, granting him the assistance he may require, to be paid for at its just price.

Given at the National Palace of Mexico on the 23d April, 1859.

BONILLA.
[Rubric.]

To be valid as long as required.

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[Endorsed.]

I have compared this copy with my passport, referred to in the question 667, and find it to be an accurate photographic copy of the original.

San Francisco, 24th October, 1859.

J. M. DE CASTILLO Y LANZAS.
[Rubric.]

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No 3.

PROCLAMATION of the Most Excellent Señor President, *ad interim,* of the Republic, to the Mexican Nation.

When, in the early part of the year I assumed the grave responsibility of directing the affairs of the nation, for a short time, I firmly resolved to sustain and defend its rights and privileges, changing the weak and pernicious temporizing policy which had been observed with regard to the Government of the United States of America, notwithstanding the perfidy by which it prepared the occupation of Texas, the deceit by which it violated the existing treaties which guarantied the limits of the Republic, the predatory act by which it incorporated one of our departments in the States of its confederation. The Mexican nation did not conquer its independence, by means of the most bloody and heroic sacrifices, nor taken its place among the civilized nations of the globe, to make itself the scorn of a neighboring power, which, taking advantage of our own quarrels, our unhappy disturbances, and the exaggerated weakness which they produced, declared itself prepared for conquest, and began to invade our territory to enjoy the illusion that it could extinguish the manly race to which we belong, stamp us with the brand which is borne on their foreheads by the slaves of the South, extinguish our nationality, and abandon us to the humiliating misfortune of oblivion. This magnanimous people who, in a struggle of eleven years of blood and desolation, proved their constancy and courage, waited with impatience to rush to a new war to which they were called by the scandalous aggressions of a government which called itself a friend, and which, to degrade us, relied upon its power, and neglected to rely upon the grounds of equity and justice which all nations respect, which strengthen the hopes of peace, and which maintain universal harmony. Therefore it is that the Mexican nation sanctioned the movement which I began at San Luis

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Potosí, not to obtain the painful exercise of power, but that the power of my country might shine with the triumph of a cause which is that of the conservative principles of human society.

The ancient injuries, the offenses which since the year 1836, have been incessantly re-enacted by the Government of the United States against the people of Mexico, were consummated by the insult of sending us a Minister to accredit him to our Government in the character of resident Minister, as if the relations between the two Republics had not suffered any changes at the consummation of the act of the definitive incorporation of Texas. At the same time that Mr. Slidell presented himself, the troops of the United States occupied our territory, its fleets threatened our ports, and the occupation of the peninsula of the Californias was being prepared, of which the Oregon question with England is but a preliminary; and I did not admit Mr. Slidell, because the dignity of the nation repulsed this new insult.

In the mean time the army of the United States encamped at Corpus-Christi, and occupied the Island of Padre Vayin; it next proceeded to the Fronton de Santa Isabel, and hoisted the flag of the stars on the right bank of the Rio Bravo del Norte, opposite the City of Matamoras, having first taken possession of the navigation of the river with their ships of war. The village of Laredo was surprised by a party of their troops, and a picket guard of ours, which was there reconnoitering, disarmed.

Hostilities have, then, been commenced by the United States undertaking new conquests upon territories within the limits of the Departments of Tamaulipas and Nuevo-Leon, while troops of the same United States threaten Monterey in Upper California. There will be no doubt as to which of the two Republics is responsible for a war which might have been avoided by a sentiment of equity and justice, and the respect for the rights and property of all nations which civilization has introduced. If Mexico should permit, with indifference, the repeated advances of a power which already considers itself the owner and sovereign of the American continent, she would not only lose the importance which her population and resources, and her privileged situation have given her since she became an independent nation, but she would also fall into shameful contempt, because, called upon to fight, she allowed the integral parts of her territory to be lost, one by one. So many and such gross outrages could no longer be tolerated, and I have ordered the General-in-Chief of the division of our northern frontier, to commit hostilities upon the army which is committing them upon us, to make war upon the enemy who

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is making war upon us, and that, invoking the God of battles, he prove the valor of our soldiers, the unquestionable right to our territory, and the honor of arms, which are going to exert themselves only in defense of justice. Our General, in accordance with established usages and positive instructions from my Government, requested the General-in-Chief of the American troops to return to the other side of the Rio de las Nueces, the ancient boundary of Texas, and the request has been refused.

The nations whose interest it is that the repose of so many years should not be broken, and who may be injured in their commercial relations with the Mexican Republic, will comprehend the cruel alternative to which she has been reduced by the invading policy of the United States, and that she would succumb if she were not to defend energetically her existence, which is in danger. I only announce that I do not declare war against the Government of the United States of America, because it is for the august Congress of the nation, and not the Executive, to determine definitively what reparation is demanded by so many offenses.

But the defense of Mexican territory which may be invaded by United States' troops, is an urgent necessity, and my responsibility to the nation would be immense, if I were not to order the repulsion of the forces which are operating as enemies; and I have ordered it. From this day, defensive war begins, and every part of our territory which may be invaded or attacked, will be resolutely defended.

At last the case has arisen which the Governments of Mexico have endeavored to avoid, by urging the plain justice of its claims; and trampled as these have been, we go into a conflict which shall gain for us the sympathy of governments, and people who condemn the usurpations of the strong. We shall be strong by the sacredness of our purpose, and because, when everything is at stake, the endeavors are equal to the greatness of the exigencies. Meanwhile, the Mexican nation will resolve to risk all for the salvation of all; and will give a sublime example of devotion, which shall serve to reproduce the glory so often obtained by people, in every age, who maintained their liberties and independence.

I am proud that the will of Providence should have destined me to be the organ through which the strong will of the Mexican Republic should be expressed. We shall prove in battle, that the sons of the heroes and martyrs of our independence are inspired by their untarnished glory; that valor has not degenerated in their breasts; and that they are ready to sacrifice themselves on the altar of their country.

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MEXICANS! I raise, on this memorable day, the Standard of Independence, upon which you see inscribed the illustrious names of Hidalgo and Iturbide. Unite under this sacred ensign, leaving, for times of less danger, internal differences and disputes. I have promised you that the glory which I seek as a reward for my unhappy career, is not that of the ambitious man who considers power as a prize of rapine. I have sworn to preserve to the Republic all her rights, during the short period of my government; and now that I incite you to the conflict, and inform you that great sacrifices are needed, I also promise you that of my blood, if it should be necessary, will not be a oided.

Mexicans! Your brave army is going to fight, and will fight with the courage of heroes; give them your blessings, in anticipation, and prepare yourselves to crown their noble brows, or venerable tombs, if they should fall, when destiny calls you to fill their places in the ranks. Mexico shall conquer, or shall not exist!

National Palace of Mexico, April 23d, 1846.

MARIANO PAREDES Y ARILLAGA.

(*From the Official Gazette of the Mexican Government, of April 24th*, 1846.)

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TRANSLATION OF EXHIBIT CASTILLO LANZAS, No. 4.

MINISTRY OF EXTERIOR RELATIONS,
GOVERNMENT AND POLICE.

Circular.

MOST EXC'T SIR:—The Supreme Government has information that some families from the United States have established themselves at different points on the frontiers of this Republic, a circumstance which, if at any time, it ought to evoke the vigilance of the local and general authorities of the nation; it now requires of the latter, as well as the former, that all measures should be taken which may be conducive to the security and preservation of the territory, diplomatic relations with the Government of said States being suspended.

Consequently, his Excellency, the Sōr President, *ad interim*, has been pleased to provide that, during the present suspension of said relations, citizens of that Republic be not permitted to establish themselves at the points referred to; and that those who are not old residents there, be compelled to withdraw to the interior.

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I make this statement to Your Excellency, by supreme order, for your information, to the end that you may cause the proper orders to issue in the matter.

God and Liberty. January 14, 1846.

CASTILLO LANZAS.

Sōr Governor of the Department of Californias.

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TRANSLATION OF EXHIBIT CASTILLO LANZAS, No. 5.

Pio Pico, Constitutional Governor of the Department of California, to its inhabitants,—Know ye: That the following decree has been addresssd to me by the Ministry of Exterior Relations, Government and Police:

"MINISTRY OF EXTERIOR RELATIONS, GOVERNMENT AND POLICE.

"The Most Excellent, Señor President of the Republic, *ad interim*, has been pleased to address me the following decree:

'Mariano Paredes y Arrillaga, General of Division and President *ad interim* of the Mexican Republic, to the inhabitants thereof,—Know ye: That considering that by the state in which the country finds herself threatened by a foreign war, and invaded in a large and precious part of her territory, the time has arrived for the most active and energetic efforts, to repel the most unjust of aggressions, recover the usurped territory, and preserve the glory and dignity of the nation; and knowing that to attain such noble objects, it is absolutely necessary to secure order and internal peace; using the powers granted to me by the fourth of the additions made in this Capital, on the 2d of January of the present year, to the plan proclaimed at San Luis Potosí, I have thought proper to decree as follows:

'ART. 1. The Government will appoint Governors of Departments without regard to nomination by the Assemblies, because the nation finds herself in the extraordinary circumstances spoken of at the end of the 17th power at the end of the 134th Article of the Organic Bases.

'ART. 2. In the Departments in which, from opposition to the present order of things, the Assemblies are dissolved, the respective Governors will appoint, with the approval of the Supreme Government, such persons as they may deem proper to compose them; it being neither just nor proper that the Departments should be deprived of the important services which those bodies should render them.

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ART. 3. With the same object the Governors are authorized to organize the Ayuntamientos at the places where they may be dissolved.

'ART. 4. The Governors of the Departments are reminded, so that they may observe it punctually, of the circular of the 24th December of last year, in which was transmitted to them the extension of the powers conceded to the Executive by the decree of the Congress, dated 21st of the same month, in accordance with Article 198 of the Organic Bases.

'ART. 5. The Governors of Departments are empowered, in cases of necessity, to act expeditiously, and with a sufficient justification, to save the great interests of the independence and integrity of the national territory, and to secure tranquility and public order, without which those inestimable benefits cannot be maintained.

'Wherefore, I order that this be printed, published, circulated, and that it be duly complied with.

'National Palace of Mexico, 13th March, 1846.

MARIANO PAREDES Y ARRILLAGA.

'To Don Joaquin Maria Castillo y Lanzas.'

"And I communicate it to you for your information and consequent ends.

"God and Liberty. Mexico, 13th March, 1846.

CASTILLO LANZAS.

"To the Hon. Governor of the Department of Californias."

So that it may reach the notice of all, I order that it be published by proclamation in all the towns of the Department, it be distributed to the proper persons, it be posted in the usual public places.

Given at the Port of Santa Barbara, on the 4th July, 1846.

PIO PICO.

JOSE MATIAS MORENO, Secretary.

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No. 6.

MINISTRY OF EXTERIOR RELATIONS, GOVERNMENT AND POLICE.

Circular:

Most Excellent Sir:—The Proclamation which the Most Excellent Señor President of the Republic has deemed proper

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to address to his fellow-citizens, and copies of which I inclose you, contains the declaration of the political faith of His Excellency, and of the course of conduct which he proposes to pursue in the present circumstances, in which the Nation urgently demands the united effort of all her sons to save her. Nothing is more conducive to such a noble object, than to labor with the greatest energy to preserve internal order so that all attention may be directed to the repulsion of the foreign aggression; and with that disposition, His Excellency does not doubt that your Excellency, being fully convinced of the desires and sentiments by which he is actuated, will labor indefatigably and harmoniously, as should be expected from your patriotism, and the coöperation which certainly will be given you by the inhabitants of that Department, for whom the greatest of benefits must be the Independence of the Republic, which at any cost they must desire to preserve.

God and Liberty. Mexico, 24th March, 1846.

CASTILLO LANZAS.

Most Excellent Señor Governor of the Department of Californias.

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# DEPOSITION OF
# FRANCISCO MARTINEZ NEGRETE.

—

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v*
ANDRES CASTILLERO.

SAN FRANCISCO, September 30, 1859.

On this day, before the District Court of the United States for the Northern District of California, came Francisco Martinez Negrete, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: Mr. Peachy, of counsel for the claimant, and Mr. Randolph for the United States.

QUESTION 1st, by claimant's counsel. What is your name, age, residence and occupation.

ANSWER. My name is Francisco Martinez Negrete; I am about 62 years of age; I am a merchant by occupation, and my residence is at Guadalajara, Capital of Jalisco.

Q. 2. When did you arrive in San Francisco—for what purpose and at whose request did you come here.

A. I arrived here on the 14th May last. I left Mexico on the 25th April. I came at the instance of Mr. Barron, with the object of giving my testimony in relation to certain documents (escrituras) executed in Mexico, in 1846.

Q. 3. What Mr. Barron do you allude to?

A. Don Eustachio Barron.

Q. 4. When did he die?

A. He died, I think, in April of this year; about the beginning of that month.

Q. 5. How long had you known him?

A. I had known him since the year 1833.

Q. 6. Did you know Alexander Forbes at Tepic, and since when?

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A. I have known him since the same year, 1833.

Q. 7. What is your native country, and how long have you lived in Mexico?

A. I was born in the Province of Biscay, in Spain. I have lived in Mexico since the latter part of the year 1816.

Q. 8. Have you received or are you to receive any compensation for coming to San Francisco, to give your testimony in this case?

A. None whatever.

Q. 9. Are you acquainted with Andres Castillero, and how long have you known him?

A. I knew him first at the end of the year 1846.

Q. 10. What object had you in making his acquaintance?

A. My object was to purchase from him some shares in the quicksilver mine, in Alta California, for Mr. Alexander Forbes, of Tepic, who had written to me requesting me to do so.

Q. 11. Where was Castillero at that time?

A. He was in the city of Mexico.

Q. 12. Whereabouts in that city, and how did you find him out?

A. I inquired for him, and was told that there was a Castillero, who had been a deputy or senator. I inquired at the book store either of Galvan or Andrade, and I was told that a person named Castillero lived in the Calle del Padre Lacunza, or Lacuna. I then went to a house in that street, and found that there was a Castillero living there. He was sick in bed. He told me he was not the man I was looking for; that it must be his brother Andres, who, he said, had a quicksilver mine in California, and that he lived in the "Alcaiceria." I, consequently, went to the Alcaiceria and found him in a house which he rented there.

Q. 13. Did you make the purchase for Mr. Forbes from Castillero; and what other business, if any, did you transact with him?

A. He agreed to come to my house to negotiate for the purchase of the shares, and also about an interest in the contract of Avio which I had information was then being celebrated at Tepic.

He accordingly came to my house, and we agreed to wait to see what arrangement had been made at Tepic between Mr. Alexander Forbes and Padre Eugenio McNamara, who was the agent of the other owners in California. We therefore waited until the arrival of Padre McNamara in Mexico.

He brought with him the "escritura de avio" which he had entered into at Tepic with Don Alexandro Forbes.

As I was not very well versed in such matters, I procured



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the assistance of a lawyer named Don José Antonio Romero, to attend to the drawing of the escrituras, etc.

When Castillero saw the contract of Avio, which McNamara had made with Forbes at Tepic, he agreed for his part, and as owner of one half of the mine, to all the stipulations which McNamara had made, and moreover he gave for the benefit of this Avio a concession which the Government had made him of two "sitios de ganado mayor"—or square leagues upon the lands of the mine.

He was asked if he had the document for this concession in his hands, and he said he would produce it, so that the escritura might be completed.

He in effect brought it, and having agreed in addition to sell me five "barras" or shares in the mine for Mr. Forbes, the lawyer in view of all these matters that had been agreed between us, the escritura made at Tepic, and escritura previously made by Castillero here at Santa Clara, and the document of which I have spoken, drew up a borrador or draft of the contract, which was submitted to Castillero and myself; we finding it satisfactory, took it to a notary to be extended. The notary was named Nazario Fuentes.

The notary drew up the the escritura and we signed it, and took the testimonio or certified copy of it, which I sent to Alexander Forbes—having, of course, just paid Castillero $4000 in cash for the shares I had purchased. I paid him at the rate of $800 per share (barra.)

Q. 14. Where was the money paid?

A. I don't remember whether I paid him at my own house or at my banker's—named Don Donato Manterola, I think the former.

Q. 15. Look at the document now shown you, and say whether you recognize it.

A. This is my handwriting and signature. It is an order in favor of Andres Castillero, on my banker Manterola, for the sum of $4000, and it states that it is for the account of Mr. Alexander Forbes, in order that the proper charge might be made. It was my custom to mention for whose account the payment was made. As I did not keep my books in Mexico, and as I desired that my house in Guadalajara should be advised of the payment, I therefore wished the banker to advise my house in Guadalajara, that the proper charge should be made in its books.

Q. 16. On what account was this money paid to Castillero?

A. For the purchase of the five barras in the mine of Santa Clara.

Q. 17. Do you know Castillero's signature and firma?

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A. I do—I believe the signature to the receipt on this order to be his.

Q. 18. Did you pay the notary his fees for extending that contract?

A. I did, of course.

Q. 19. Look at the document now shown you, and state what it is.

A. It is an order in favor of the notary Fuentes, on the same banker, for the sum of 137 dollars 2 reales, that being the amount of his fees for drawing the contract. The handwriting and signature of the body of it is my own.

The handwriting of the receipt I do not know sufficiently to swear to it, but I suppose it to be that of the notary.

[Counsel for claimants offers the two last mentioned documents in evidence marked Exhibits Negrete Nos. 1 and 2, respectively.

Documents objected to as incompetent, irrelevant and inadmissible.]

Q. 20. Did you ever produce from the office of Fuentes another copy of these documents; and if so, when?

A. I did. I procured a second copy, probably about a month after obtaining the first.

Q. 21. Look at the document now shown you, and say what it is.

A. It is an order in favor of the notary for the amount of his fees for making the second copy. The handwriting, signature and address, are my own. The receipt must be that of the notary.

[Document offered in evidence, marked Exhibit Negrete No. 3, O. H: objected to as before.]

Q. 22. When were these three documents written and signed by you?

A. They were probably signed on the days of their respective dates. I could not have written them on any other day. I wrote and signed them at the same time.

Why should I put a different date from that on which I wrote them?

Q. 23. Look at the documents shown you, and say what they are.

A. They are all letters addressed by me at their respective dates to Don Alexander Forbes, and signed by me.

The first, dated Mexico, Dec. 5, 1846, is wholly in my handwriting. The 2d, dated Mexico, December 9th 1846, is in my own handwriting, to the word "poseen," the remainder is in the handwriting of Don Eustachio Oruña, who sometimes

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assisted me to write. The signature is mine. The sheet inclosed, is a copy of a letter of Andrés Castillero, which was made by my sister-in-law.

The 3d, dated Mexico, December 12, 1846, is wholly in my handwriting, as also the address.

The 4th, dated December 16, 1846, is in the handwriting of Oruña, down to the words "con los Franceses"; the remainder is in my handwriting, as is also the signature. The paper inclosed is an original letter of Castillero's, dated Dec. 16th, 1846, and addressed to myself. The 5th, dated also December 16, 1846, is all in the handwriting of Oruña; the signature to it is my own.

The 6th, dated Dec. 19th, 1846 is, I believe, in the handwriting of a clerk of Oruña, down to the words "pagar á su barra." The remainder, with the signature, is in my handwriting.

The 7th, also dated December 19, 1846, is also in the handwriting of the same clerk. The signature is my own.

The 8th, dated December 26, 1846, is all in the handwriting of Oruña. The signature is my own.

The 9th, dated January 2d, 1847, is in the handwriting of my sister-in-law. The signature is my own.

The 10th, dated January 6, 1847, is in the handwriting of Oruña, except the postcript. The postcript and signature is in my writing.

The 11th, dated January 9, 1847, is in the handwriting of Oruña. The signature is my own.

The 12th, dated February 6, 1847, is in the writing of Oruña. The signature is my own, and also the address.

The endorsement seems to me to be in Mr. Alexander Forbes' writing.

The 13th, also dated February 6, 1847, is in the handwriting of Oruña. The signature is my own.

The superscriptions of the 1st, 3d, 4th, 5th, 8th, 9th, 10th, 11th, 12th, are in my own handwriting.

The superscription of the 2d, is in the handwriting of my sister-in-law. The rest have none.

[Documents offered in evidence; marked "Exhibits Negrete Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, O. H," respectively.

Objected to as irrelevant and inadmissible.]

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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At a stated term of the District Court of the United States of America for the Northern District of California, held at the Court Room, in the city of San Francisco, on Saturday, the first day of October, A. D. 1859.

Present: The Hon OGDEN HOFFMAN, District Judge.

THE UNITED STATES
*v.*
ANDRES CASTILLERO. } D. C., 420; L. C. 366.

The Court being unable further to continue the examination of the witness, Francisco Martinez Negrete, it is ordered that it be, and the same is, hereby referred to W. H. Chevers, Esq., United States Commissioner, to proceed with and complete the examination of said witness.

—

SAN FRANCISCO, Cal., October 1, 1859.

Direct Examination of Francisco Martinez Negrete resumed before me, W. H. Chevers, United States Commissioner, in compliance with the foregoing order.

Q. 24. When did you last see the documents executed as you have said before the notary Nazario Fuentes?

A. I saw them in February of this year; I also saw a testimonio, or copy.

Q. 25. Where is the original protocol?

A. It is in the office of the notary Don Juan Navarro.

Q. 26. Did you examine the protocol; did you find your name and Castillero's signed therein; and who was present when you made the examination?

[Objected to by counsel for the United States, as leading.]

A. Yes, sir; I found my own signature and that of Castillero's on it. When I examined it, Mr. Castillero and the notary, Don Juan Navarro, were present.

Q. 27. In the book of protocols, which document comes first?

[Objected to by counsel for the United States, as irrelevant.]

A. The contract of Avio. At the end of this, the Castillo Lanzas document is inserted, and then follows the contract (escritura) of sale of the five barras.

Q. 28. On what day did you sign the escritura, or instrument of Avio, and that of sale?

A. We—Castillero and myself—signed them both on the

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same day; I think it was on the 18th day of December, 1846. They are both dated on the 17th day of that month.

Q. 29. Look at this document, which purports to be a certified copy of the escritura of Avio, and of that of sale, given by Juan Navarro, and state whether you have compared it with the said writings; and, if yea, when, where, and in what manner was that comparison made; and is this a faithful copy of the original?

A. I have examined these copies, and found them accurate copies of the originals in the office of Don Juan Navarro; this examination was made by my having the originals read to me while I read these copies, and then these copies were read to me while I read the originals; I then took the copies and originals myself and compared them at different places, and found these copies correct; that portion of this document which the certificate of the notary states to be copies of these two original escrituras, is so in fact; I observe, by referring to the date, now, that I made this examination on the 14th February last.

Q. 30. Did you compare what in this instrument purports to be copies of certain marginal annotations on the said original documents in the book of protocols?

A. Yes, sir; I compared them also, and they are exact copies of the originals.

[Document offered in evidence, and marked "Exhibit Negrete No. 17, W. H. C."

Counsel for the United States objects to the introduction of the document, upon the ground that it is not duly proved, is irrelevant, incompetent, and inadmissible.]

Q. 31. Look at the document now shown you, purporting to be a certified copy of a certain petition of Castillero and yourself, asking for a copy of the aforesaid documents, and of the proceedings which were had thereon, as the same appears in the book of protocols of Nazario Fuentes; say whether you have compared the said petition and record of the proceedings had thereon, as they are set forth in this certified copy of the same, with the originals; when, where, and in what manner was the comparison made; and is this a faithful copy of the original?

A. I did compare these copies with their originals in the office of the same notary; I made the comparison in the same manner that I compared the other documents which I have heretofore spoken of; it is a faithful copy of the original; I made the comparison on the 18th day of February of this year, as appears from a memorandum, written by myself, attached to the cover.

[Document offered in evidence, and marked "Exhibit Negrete No. 18, W. H. C."

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Counsel for the United States objects to the introduction of the document, upon the ground that it is not duly proved, as irrelevant, incompetent and inadmissible.]

Examination adjourned until Monday next, at 11 o'clock, A.M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., October 3, 1859.

Direct Examination of Francisco M. Negrete resumed from Saturday.

Present: Mr. Peachy, of counsel for claimant.

[The witness desires to correct his answer to question 26, by stating that it has since occurred to him that Emilio Pardo was also present at the examination therein referred to.]

Q. 32. In your letter of 19th December, 1846, to Mr. Alexander Forbes, after having stated that the writings had been executed, you add, "I have been promised legalized copies (testimonios) to-day, and shall transmit them with this letter, together with the document which you executed at that place, and the document showing the grant which the supreme government made in favor of Don Andres Castillero for two square leagues of land at the place where the mine is situated;" and again in the latter part of that letter you say, "I have not received the two instruments (escrituras) which I have mentioned, but I remit the other documents;" please to state what were the instruments which you say you had not then received, and what the other documents which you say you remit.

A. The documents which I referred to in that letter as not having been received by me at the time it was written, were the testimonios of the contracts (escrituras) of Avio and of sale of the five barras. The documents which I referred to in that letter as being sent, were the contract (escritura) of Avio, which had been made between Padre McNamara, as agent of the other owners in California, and Don Alexander Forbes at Tepic, and the other document was the grant of two leagues which the supreme government had made to Castillero.

Q. 33. In another letter written by you to Mr. Alexander Forbes, on the 19th December, 1846, you say that immediately after having put into the post-office the package addressed to you (Mr. Forbes) separately, there were delivered to me the two instruments (escrituras) mentioned in it;" and that you remit the same with your letter. What two instruments do you refer to?

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A. I refer to a document composed of testimonios of two contracts (escrituras); one for the purchase of five barras, and the other the contract of Avio, executed between Castillero and myself, as the agent of Mr. Forbes; the same document to which I referred in my previous letter of the same date.

Q. 34. In your letter of the 6th February, 1847, "Exhibit Negrete No. 15, O. H." you say, "If the authenticated writings are brought to me before closing this letter I will inclose them, otherwise they shall be sent by the next mail;" and in another letter of the same date, "Exhibit Negrete No. 16, O. H." you say, "I have written you a separate letter, and with this I have the pleasure to transmit the inclosed writings (escrituras) and also the receipt for their cost, which amounted to the sum of seventy-five dollars, which you will credit to my house in Guadalajara." To what authenticated writings (escrituras) do you refer in these two letters?

A. I refer to other copies of the same escrituras (writings) which had been asked for by Mr. Forbes.

Q. 35. Examine the two documents now shown you, marked respectively "Exhibit Negrete No. 19, W. H. C." and "Exhibit Negrete No. 20, W. H. C.;" and say what they are.

A. "Exhibit Negrete No. 19, W. H. C." is the testimonio (certified copy) of the contract of Avio, made between myself as agent of Mr. Forbes and Castillero, of which I spoke in my letters of the 19th December, 1846, as having been transmitted to him on that day. "Exhibit Negrete No. 20, W. H. C." is the other copy of the same contract (escritura) of Avio, which I sent to Mr. Forbes on the 6th February, 1846, mentioned in my letter of that date.

Q. 36. Examine the document now shown you, purporting to be an original official communication from Castillo Lanzas, Minister of Relations, addressed to the Governor of the department of Californias, dated the 23d May, 1846, whereby the Governor was directed to put Castillero in possession of two square leagues; and say if you remember anything about it.

A. Yes, sir; I remember that I remitted it to Mr. Forbes, in my letter of 19th December, 1846. I remember that there is a copy of it at the end of the contract (escritura) of Avio, made between myself, as agent of Mr. Forbes, and Castillero. I have no doubt that this is the same document.

[The document referred to by the witness in his last answer, is a document brought from the office of the United States Surveyor General for California, by Mr. W. M. Smith.]

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., October 4, 1859.

Direct Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

[The last question and answer are objected to by counsel for the United States, as irrelevant and inadmissible.]

Direct examination closed.

CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 37. How many barras did you buy from Castillero in Mexico, in December, 1846?

A. Five barras.

Q. 38. Did you buy one for the account of these persons you mention in one of your letters of the 19th December, 1846, to Alexander Forbes?

A. I bought the five barras for Mr. Alexander Forbes, by virtue of authority given me by him for that purpose, but one of them was for account of Messrs. Martin LaPiedra and Francisco Maria Ortiz.

The name of Mr. Forbes only was used in the escritura, to avoid confusion.

Q. 39. Do those individuals own that share yet?

A. With regard to Mr. LaPiedra, I do not know; but I know by information from Mr. Ortiz himself, that he is still the owner of his half of the barra.

Q. 49. Where does Mr. Ortiz live, and what is his business?

A. He lives in Guadalajara, in the State of Jalisco, and he is a merchant.

Q. 41. Where did he live, and what was his business, at the time that you made the purchase for him?

A. He lived in Guadalajara, and was book-keeper in my house there.

Q. 42. Is he now engaged in commerce on his own account, or on your account; is he trading on his own capital; if he is doing business on his own account, has he any partner; and if so, are you his partner?

[Question objected to by Mr. Peachy, as irrelevant.]

A. According to my information, he has no partner in his business. He has a partner in a small hacienda in the country; he is trading on his own capital, he has none of mine, and I am not interested with him in anything.

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Q. 43. Did you make a present of this half barra to your nephew, Mr. Ortiz?

A. No, sir; he paid for it out of his own pocket.

Q. 44. Have you never had any interest in this mine, or in the avio?

A. No, sir; in neither.

Q. 45. Have you ever been an agent for the sale of any quicksilver produced from this mine?

A. Yes, sir.

Q. 46. Upon a commission, of course?

A. Yes, sir; a commission of three per cent.

Q. 47. At what places have you been the agent for the sale of the quicksilver?

A. In Guadalajara only.

Q. 48. What mining regions are supplied with quicksilver from Guadalajara?

A. I have been in the habit of selling quicksilver to be used in the mining districts of Bolaños, Guachinango, Ameca and Hostotipaquillo. There were a great many other mining regions in the state, but as quicksilver was sold in Tepic cheaper than I sold it, they were nearly all supplied from there, so that the amount of my sales was almost insignificant.

Q. 49. Do you mean that the whole amount of your sales was almost insignificant, or only your sales at the great many other places you have referred to?

A. I mean that the amount of all my sales was insignificant, because I should think, at a rough guess, I did not sell over three hundred flasks a year.

Q. 50. Have you commercial business in any other parts of Mexico besides Guadalajara?

A. No, sir; I have only the one at Guadalajara.

Q. 51. How long have you had the agency for the sale of quicksilver from this mine?

A. From the beginning. I think it must have commenced from the year 1849.

Q. 52. Do you know of any reason why you were the person employed by Mr. Alexander Forbes to make this purchase of Castillero?

A. I suppose it was because I had business relations with him.

Q. 53. Have you not continued to have business relations with the house of Barron, Forbes & Co. down to the present time?

A. Yes, sir.

Q. 54. The house of Barron, Forbes & Co. is a wealthy house, and carries on business on a large scale, does it not?

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A. I consider it a rich house; it has heretofore done business on a large scale, but now I believe it is in liquidation, and for some years its business has been, I believe, inconsiderable.

Q. 55. The commissions which you have made through your business connections with that house have been much more considerable on other things, than on quicksilver, have they not?

A. Yes, sir.

Q. 56. Although the house of Barron, Forbes & Co. are in liquidation, there are some members of the house who continue doing business, do they not, and you still transact business with them, do you not?

A. I am not aware that any of the persons interested in that house are carrying on business, except that Mr. John F. Alsop has charge of the house in Tepic, and a factory which is there. The son of the head of the house returned to Mexico from the United States lately, but I am not aware that he has gone into business.

The business done between myself and the house now, is very limited, because it is confined to the consignment and sale of quicksilver, and cotton goods from the factory.

Q. 57. Are you not acquainted with some of the other owners of barras, or some of the partners in the contract of Avio?

A. I have heard here that Mr. John Parrott has an interest in the mine, and also the heirs of a person named Walkinshaw. According to my information, the house of Barron, Forbes & Co. is the principal owner. I know nothing about this, except what I have heard.

Q. 58. Have you never been informed that wealthy capitalists in Mexico, and elsewhere, were interested in the mine?

[Question objected to by Mr. Peachy upon the ground, first, that it is irrelevant; and second, that it is not sufficiently explicit.]

A. No, sir.

Q. 59. I want to know whether you had business or other relations with any of the other persons seeking to establish the title of the claimant to this mine? If you have any such relations, please say what they are, and with whom.

A. I have no relations with anybody interested in the matter, except the house of Barron, Forbes & Co. and Mr. Ortiz. My relations with the latter are friendly, not commercial; my relations with the house of Barron, Forbes & Co. are almost of the same kind, as I have no other business with them than that which I have mentioned.

Q. 60. Was there any connection between you and Mr.

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LaPiedra; if not, why were you interested to purchase this share in the barra for him?

A. I had no business relations with Mr. LaPiedra. My relations with him were of a friendly character. I learned from Ortiz that LaPiedra had written to him, requesting him to write to his uncle (myself) and endeavor to get for them (Ortiz and LaPiedra) even a small interest in this mine, and that if it could be done they were fortunate (they having heard of the mine and Don Alexander Forbes' letter to myself about it). Ortiz communicated this to me, and when Castillero offered to make me a present of two barras, I declined to accept them, knowing that he was not a man of much means, and not needing them myself; but I stated to him that I would take one for two friends of mine, upon the same terms that had been already agreed upon for the four which I had purchased for Mr. Forbes. I therefore had the escritura made for five, instead of four barras.

Q. 61. Who was this Mr. LaPiedra, where was he living, and what was his business?

A. He was a clerk in the house of Barron, Forbes & Co., in Tepic, at a salary. The house had requested me to send them a clerk from Mexico, that year (1846), and I sent him.

Q. 62. Had he been in your employment before that?

A. No, sir.

Q. 63. Where does he live now?

A. He died some years ago.

Q. 64. Have you any business which brought you to San Francisco, except to testify in this case?

A. No, sir. My only object was to give my testimony in this case.

Q. 65. Did you come from the City of Mexico with the other witnesses?

A. Yes, sir.

Q. 66. You have taken this voyage from no other motive than that of good will towards some of the persons interested in this claim, as I understand you to say?

A. When Mr. Billings and Mr. Wm. Barron were in Mexico, the latter asked me if I remembered about those escrituras (they met me in San Francisco street); I answered that I did, perfectly. Mr. Barron then said I would have to give my testimony, and I said I had not the least objection. He then said I would have to see his uncle, Don Eustaquio. I consequently did see him, and he asked me if I would have any objection to coming here to give my testimony, and I stated at once that I had none whatever, because I knew that owing to the friendly relations between us, he would have done

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the same under similar circumstances, and because I remembered well the truth of the matter. He also assured me, at that time, that if he got any better (he being then unwell) he would come with us to California.

Q. 67. How could you afford to take so long a journey, and be absent from home so long, without being paid for it?

A. Because I was a friend of Mr. Barron's, and I had enough to live on without asking or receiving anything from him; if I had been offered anything for coming I would perhaps have refused to come.

Q. 68. From that, I understand that you are a man of wealth, inasmuch as the other witnesses, without reference to their social standing or to their political positions, have all testified that they were all to be paid for their trouble in this matter?

A. I have means enough to maintain a large family decently, according to our customs.

Q. 69. It is of somelittle importance to know what are the circumstances of a witness; and without going into particulars, please say whether I am rightly informed that you are a man of wealth?

A. I cannot say whether I am a man of wealth or not, because everything in this world is relative. I might be considered a man of wealth in Guadalajara and not be considered so in San Francisco; I have a decent fortune.

Q. 70. Nor are you in any way to be benefited in your business by putting yourself to the inconvenience of this voyage?

A. I am not, according to my understanding. It is merely the service that one friend would render to another,—especially as I supposed the time required would not be over two months, in which, however, I have been disappointed.

Q. 71. Have you frequently made journeys from Mexico to foreign countries?

A. Yes, sir.

Q. 72. When was the last time before this?

A. In 1856, with all my family.

Q. 73. Do you remember where you passed your time during all of the year 1846; if so, please say at what place?

A. I was in Guadalajara until May, and in that month (I think on the 29th) in consequence of the revolution there, I went with all my family to the city of Mexico, where I remained until the end of February or the beginning of March, 1847, when I set out for Guadalajara on my return.

Q. 74. What time of the year 1846, more precisely, was it that you made the acquaintance of Andres Castillero?

A. In December, 1846.

Q. 75. What time in December?

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A. During the first days of December.

Q. 76. It appears to me from your testimony that you knew nothing at all about Andres Castillero, until you received a letter from Alexander Forbes asking you to find him out?

A. I had no knowledge of him whatever, personally or otherwise, until I received the letter from Mr. Forbes.

Q. 77. What date was that letter from Mr. Forbes?

A. According to my recollection, it must bear date, if I am not mistaken, the 24th or 28th November, 1843. This is what I recollect of the date of this letter, as given in these letters of mine to Mr. Forbes, which I see here.

Q. 78. The first of your letters, to wit, that of the 5th December, 1846, to Mr. Forbes, is in reply to that letter of the 24th November from him, in which he told you to find out Andres Castillero?

A. That is what I see by these letters.

Q. 79. Where is that letter of the 24th November from Alexander Forbes to yourself?

A. It must be in my house in Guadalajara, in the archives of my correspondence,—the place in which my correspondence, is preserved.

Q. 80. You kept copies of these letters which you wrote to Alexander Forbes, did you not?

A. I don't remember whether I kept copies or not, but my recollection is, that I did not. I may, perhaps, have kept a note of the substance of one or more of them.

Q. 81. As you were a business man, and these were business letters, how did it happen that you did not keep copies?

A. Because it was unnecessary for me to keep copies. This was not a commercial affair, and it was not necessary to advise my house in Guadalajara with regard to it, except for the purpose of stating the amount of money which had been paid for account of Mr. Forbes, so that proper entries might be made. I did communicate this to my house there, and advices were also sent by my banker, Mr. Manterola.

Q. 82. I had supposed that a man of business kept copies of all of his letters in anywise pertaining to business subjects; and such, it is my impression from the evidence in this case, was peculiarly the habit of your correspondent, Mr. Alexander Forbes. I understand you distinctly to say that your habit was otherwise?

A. There was a difference between my custom in Mexico and that of my house in Guadalajara. I was in Mexico at that time on a visit, and not for the purpose of attending to business, and kept no books; I was there with my family. My house in Guadalajara, of course, keeps copies of its correspondences.

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Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, October 5, 1859.

Cross-Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

[Witness desires to observe this morning that, after having refreshed his memory on the subject, he finds that Mr. La Piedra went to Tepic in 1844, and not in 1846, as he said yesterday.]

Q. 83. Did you tell Mr. Barron that your testimony would be just what you have given?

A. No, sir; we did not speak about that.

Q. 84. With whom did you speak about what it was that you remembered and could prove?

A. I did not state what my testimony would be. When I met Mr. William Barron (with Mr. Billings) he asked me if I remembered having entered into the escrituras of Avio and sale, on behalf of Mr. Forbes. I answered, that I did perfectly; he asked me if I would have any objection to giving my testimony, and I replied, that I had none whatever. This is all that passed.

Q. 85. About what time was that?

A. It was about the beginning of February of this year, a few days after the arrival of those gentlemen in Mexico.

Q. 86. Did you see them frequently from that time until the 25th April, when you left Mexico?

A. Not very frequently, but I did see them.

Q. 87. During that time, did you not mention these matters just as you have stated them here: that Mr. Forbes wrote to you, that you found Andres Castillero, then waited for Father McNamara, and after his arrival concluded the negotiation, etc., etc.?

A. I remember having told them that Forbes wrote to me, and that in consequence of his letter to me, I found Castillero and made the escrituras with him about the year 1846. I don't remember having stated anything further to them about it.

Q. 88. Did not some of them say to you that they had your letters to Mr. Forbes, and that they would like to have Mr. Forbes' letters to you, in order that the correspondence might

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be complete, and that they might put the whole story in evidence, and not merely one half of it?

A. No, sir, not one word of that; but some three months after my arrival here, Mr. William Barron told me that he had the letters which I had written to Mr. Forbes, touching the matters of the escrituras with Castillero.

Q. 89. I think you passed through Guadalajara on your route hither; perhaps you stopped there some little time?

A. We did pass through there, but did not remain long; we arrived there on a Saturday, and remained until Monday; the diligence did not travel on Sunday; if it had, perhaps we should not have stopped there at all.

Q. 90. You of course visited your own house; perhaps had the opportunity of receiving Messrs. Barron and Billings there?

A. I did visit my own house and staid there, but I did not receive Messrs. Barron and Billings there. They remained with their fellow-travelers at the inn where the diligence stopped, called "La Diligencia."

Q. 91. At this time, did you not think to mention to those gentlemen that you had at the house, in the archives of your correspondence, the letters of Mr. Alexander Forbes relating to the business of the escrituras, and which might throw some light upon the circumstances of the transaction?

A. No, sir; I did not say a word to them about it, nor they to me.

Q. 92. Which party was in possession of Guadalajara, at the time that you passed through?

A. It was in possession of the Miramon, or Government party. General Tapia was in command there.

We passed through Salamanca, Guanajuato, Leon, and other places which were in possession of the Constitutional forces.

Q. 93. At those places were you interrogated by the authorities of the Constitutionalist party, as to who you were; or did you make yourself known to the authorities?

A. We were not interrogated; we traveled in the most public manner in the diligence. Several of the persons in authority, of the Constitutional party, knew me; and at Guanajuato Colonel Echegaray, and Colonel, or Lieutenant-Colonel, Cruzaedo dined at the table with us; they sat opposite to me. They both knew me well, but whether they knew any of the gentlemen with me, or not, I cannot say. I was told by the administrador, or innkeeper, at Guanajuato, that there was an acquaintance of Castillo Lanzas there, named Bravo; that Bravo had mentioned that he saw Castillo Lanzas pass. I don't know who Bravo was.

Q. 94. Were you not afraid that some of your party would be arrested, and perhaps shot?

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A. No, sir; I did not suppose anything of that kind would occur. If we had supposed there was any danger of that, we would not have started; on the contrary, we were confident that nothing of that sort would happen to us, unless we fell in with some of the predatory bands that infest the roads, and under the name of Constitutionalists do nothing but rob.

Q. 95. Did you have a safe conduct to pass through the lines of the Constitutionalists?

A. I am not aware that there was any brought by us.

Q. 96. Could President Miramon, or any of the high officers of his cabinet, have passed through places occupied by the Constitutionalists at that time, and openly, without almost a certainty of being arrested and shot?

A. I suppose that if President Miramon had been taken by the Constitutionalists, he would have been shot. If any of the Ministers or leaders of his party had been taken, I don't suppose they would shoot them.

Q. 97. Don't you think that the Constitutionalists would, at least, have detained Miramon's Ministers as prisoners?

A. I cannot state with regard to that—probably it would depend upon the character of the General or Commander into whose hands they might fall.

Q. 98. As you have had very excellent opportunities of knowing how the opposing parties in Mexico conduct the present war, do you think it at all possible that Ocampo, Lerido Tejata, or other of the chief advisers of President Juarez, could pass unmolested in a stage coach through the City of Mexico, or other place occupied by the forces of Miramon?

[Question objected to by Mr. Peachy, as irrelevant.]

A. I am unable to say what would be done in a case of that kind.

Q. 99. It is very true that I am asking you for an opinion, but there are some opinions upon which a man may hazard an assertion, with almost the same confidence and certainty that he could as to a matter of fact, which had fallen under his own observation:

Do you not think that you could in that view of the matter venture to be very positive, that the persons to whom I referred in the last question, could not with impunity make such a journey?

[Question objected to by Mr. Peachy, because, although the supposed impossibility of procuring the attendance of witnesses from Mexico, owing to the disturbed state of that country at present, would account very satisfactorily for the opposition which the Executive Department of the United States Govern-



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ment made to all attempts on the part of the claimant to take the depositions of witnesses in the City of Mexico, yet it is irrelevant to the matters now in issue.]

A. I cannot venture to give an opinion as to what would happen in any such case.

Q. 100. To me, the case I have supposed appears entirely impossible, nor can I see any better why a Cabinet Minister of President Zuloaga could pass with safety through the hands of the Constitutionalists. And this more especially, as the party of Miramon, which is the same as that of Zuloaga, had gone so far, a few days before you left Mexico, as to shoot even surgeons, who had been connected with the forces of the Constitutionalists.

Why is it, that in such a state of affairs, and for a stronger reason, that Castillo Lanzas was not treated with severity by the Constitutionalists when they found him in their hands?

[Counsel for the claimant is willing to admit, that to the executive officers of the government who have had charge of, or the control over, the defense of this case, it seemed to be an utter impossibility for the claimant, in the present disturbed condition of Mexico, to procure the attendance of witnesses from that country, to testify in this case, here in San Francisco; and he is willing further to admit, that it was owing to that belief, ascertained by the executive officers in Washington, that they have steadily opposed all the efforts of the claimant, to take the testimony of witnesses in the City of Mexico, and even urged upon Congress to refuse to pass a law by which the claimant could have the means of taking testimony in the City of Mexico, when the claimant asked Congress for that relief.]

A. I will answer that he (Castillo Lanzas) came in our company without any disguise whatever, in the same dress in which you have seen him here, and that nothing whatever happened to him.

Q. 101. How long have you been acquainted with him, and under what circumstances?

A. I had known him by sight, but never spoken to him, except on one occasion (when I called upon him in his Ministry, in relation to certain injuries which I had suffered in Guadalajara) until the day of our departure. I knew him first by sight in 1846.

It was in the latter part of last, or the early part of this year that I had the interview with him of which I have spoken.

Q. 102. As you seem to have quite an accurate memory, I must ask you to state, more precisely, when it was you called upon him?

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A. I don't remember, precisely, when it was; and as the matter was a very unpleasant one to me, I have endeavored to forget it. It was an outrage which had been committed upon me in Guadalajara, by entering my house, and arresting the person who had charge of it there.

Q. 103. When was this outrage committed upon you?

A. It was about the same time that I called upon Mr. Castillo Lanzas. I cannot remember the date at this moment; but by thinking the matter over, I will be able to recollect it.

I called on Castillo Lanzas, in company with the Spanish Consul General, to make a reclamation for nine thousand dollars, which had been taken from me on different occasions, in a short time. Mr. Castillo Lanzas (who was then Minister of Relations) said he would consult with the President about it, and would send an answer to the Spanish Consul General. The Consul General afterwards sent me a copy of the dispatch which he received in reply from Mr. Castillo Lanzas, in which it was stated, that orders had been given to prevent the commission of such excesses in future, and that an order had been given to the Minister of Hacienda to pay the amount I claimed, but I have not yet been paid.

Q. 104. How long had you been in Mexico, before starting on this journey?

A. I left Guadalajara on the 14th of June, of last year, to go to Mexico, where I arrived on the 20th. I remember this, because on the preceding day, the 19th, there was a severe earthquake in Mexico, which did considerable damage. I remained there until the 25th of April, of this year, when I started to come here.

Q. 105. Did you know President Zuloaga?

A. No, sir.

Q. 106. Did you know any of his cabinet?

A. I knew Mr. Parra, who was Minister of War, very slightly; and I knew Don Pedro Jorrin, who was his Minister of Hacienda, by sight.

Q. 107. Did you know no other of the Ministers of Zuloaga?

A. No, sir.

Q. 108. Not one?

A. None except those two and Mr. Castillo Lanzas, whom I had spoken to on that occasion.

Q. 109. How many more were there?

A. According to my understanding there were three more, but I cannot be positive about that: Minister of Justice, Minister of Gobernacion and Minister of Fomento.

Q. 110. Did you know President Paredes?

A. Yes, sir.

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Q. 111. Did you know his Ministers?

A. I knew his Minister of Hacienda, Don Luis Parres; his Minister of War, Tornel (by having dined with him a few times); Mr. Almonte, who was also his Minister of War, I knew by sight (in the same way that I knew Mr. Castillo Lanzas, by having seen them both in the street); and I knew Mr. Francisco Yturbe, who was also his Minister of Hacienda.

Q. 112. At what time do you mean that you knew Castillo Lanzas?

A. I refer to about the middle of the year 1846—in June it must have been.

Q. 113. When you went to make the reclamation of the Minister for the damages you have spoken of, why did you apply to the Minister of Relations?

A. Because the Ministry of Relations is the one that attends to everything which concerns foreigners.

Q. 114. Do you still preserve in Mexico the character of a foreigner?

A. Yes, sir; I am a Spaniard.

Q. 115. When you went to the Ministry, do you know that the person you spoke to was the Minister, and not some other person employed in the Ministry?

A. I know he was Minister of Relations.

Q. 116. When and where did you see him next?

A. I did not see him again until I was entering the "Diligence," on the morning of the 25th April last.

Q. 117. Is the person whom you saw then the same as the Minister of Relations whom you saw when you made your reclamation; the same who traveled with you, who is here now, who testified in this case, and the same whom you remember to have seen on the street, as one of the Ministers of President Paredes?

A. Yes, sir; he is the same person.

Q. 118. Do you recollect seeing him at all after June, 1846; if yea, when, where, and under what circumstances?

A. I don't remember having seen him after that, in that year. I was acquainted with Mr. Zurutuza, who kept the inn where the Diligence stopped, called "Casa de Diligencias," where Mr. Castillo Lanzas was then staying. I one day said to Mr. Zurutuza, that I would like to see Mr. Castillo Lanzas, and he replied, "there he goes," pointing him out. I don't remember having seen him again in that year.

Q. 119. Then you remember to have seen him but that once in that year, and it was to that single occasion that you referred when you said you knew him by sight in the street, as you knew Almonte?

A. Yes, sir.

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Q. 120. After the year 1846, when did you see him again, that you remember?

A. When I called upon him, as I stated before, with the Spanish Consul to make the reclamation.

Q. 121. As this interview may be said (in my estimate of your statement) to be the first and only time you ever saw Castillo Lanzas, until you met him in the diligence on your late departure from Mexico, I must ask you again, with the time for reflection which this examination has afforded you, to say when this int rview about the reclamation took place, just as, since I asked you before, you have given other dates?

A. As I have been occupied with these other questions, I do not yet remember the precise date of that interview, but I think I will remember it yet. It was after the battle which was fought near Colima between the forces of Miramon and Degollado, called the battle of "San Joaquin."

Q. 122. How long before, or after, you saw Messrs. Barron and Billings?

A. I am unable to say whether it was before or after they arrived.

Q. 123. I am the more pressing upon this question of the date, because, as I said before, I discover that you have an accurate and well ordered memory, and because the circumstance of having your commercial house entered, your clerk imprisoned, and your money forcibly abstracted, is, as you have properly said, of a very disagreeable nature, and for that very reason the more likely to be implanted in the memory with its date, &c.:

Can you now tell me anything else connected with that interview with the Minister of Relations?

[Question objected to by counsel for claimant, for the reason that all questions relative to that interview are evidently intended by the counsel for the government to bear upon the identity of Mr. Castillo y Lanzas, a former witness in this case; a point upon which the witness now under examination was not interrogated upon his direct examination; this, therefore, is new matter, and the counsel for the United States is bound by the rules which govern the examination in chief. As Mr. Negrete has fully established the identity of Mr. Lanzas, this last question is irrelevant.]

A. The battle of San Joaquin took place in December, if I am not mistaken, so that the occurrences which I have related concerning my house in Guadalajara, must have taken place in January, and from this I infer that the interview referred to took place in February, of this year.

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I have not a clear recollection of the date, but this is my best recollection about it.

Q. 124. As you have spent so much of your time in the Capital, I suppose you have a very extensive acquaintance, at least by sight, with the public men of Mexico, and have had for some years past?

[Question objected to by counsel for claimant, upon the ground that it has not been proven that the witness was in Mexico more than twice, and these two visits thirteen years apart.]

A. As I am a merchant by occupation, I have had but little to do with public men in Mexico.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Oct. 6, 1859.

Cross-Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

[Witness states that he desires permission to say this morning, that after the close of the examination yesterday, he read a letter which he had received from his house in Guadalajara, by the bark Inkerman, in which he is informed that the nine thousand dollars which had been taken from him, as stated yesterday, has been paid.

And he also desires to state, that after reflecting upon the matter, he has concluded that the taking of those nine thousand dollars, as stated by him yesterday, occurred in July or August, 1858, and that, therefore, his interview with Mr. Castillo Lanzas upon that subject, must have occurred long before the arrival of Messrs. Billings and Barron in Mexico.]

Q. 125. When?

A. It was very soon after the occurrences in Guadalajara. As soon as I was notified of what had happened, I went to the Spanish Consul, and we went together to Mr. Castillo Lanzas. It must have been in July or August.

Q. 126. Where is that letter?

A. I have it here.

Q. 127. Give me the passage which relates to that matter of the reclamation.

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A. This is the passage as translated by the Interpreter:

"I have to communicate to you good news, which is, that by means of an arrangement which, after a good deal of trouble I have effected with this Señor Governor and Commander-in-Chief, *ad interim*, Tapia, paying him in advance three thousand dollars on account of duties, I have received all that was due for forced and voluntary loans, without any discount whatever, that unpleasant business being terminated, and myself freed from the annoyance."

Q. 128. I don't see anything in that to enable you to fix the time of your interview with Castillo Lanzas?

A. Certainly it does not contain anything which would remind one of the date of that interview.

Q. 129. For what purpose, then, did you refer to that letter this morning, and why do you now fix the date of that interview back in July or August?

A. I referred to the letter because I stated yesterday that I had not been paid the nine thousand dollars; and after the examination of yesterday had concluded, I read this letter and found that it had been paid, and justice required that I should say so to the Court now.

I make this last statement with regard to the interview, because I have been thinking the matter over again, and recurring to the date of my departure from Guadalajara, I believe that that occurrence took place there, shortly after my departure. I cannot state the date precisely, but my best recollection is, that the occurrence alluded to, took place either in July or August.

Q. 130. Through whom did you receive that letter?

A. I received it at the counter of the house of Mr. William Barron, there, and I was told there was one for me. I opened the envelope and threw it away, as I always do according to my custom. It contained several letters (which are here now) from my wife and children. I read my wife's letter, and did not read the others until the examination closed yesterday.

Q. 131. How long have you been acquainted with Señor Don José Maria Bassoco, one of the witnesses who came with you from Mexico?

A. I have known him by name for many years. I have known him by sight about thirteen years, but I have never spoken to him until last year.

Q. 132. Are you acquainted with Vicente Segura; if so, how long have you known him?

A. I don't know him personally, but I have seen his name in newspapers.

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Q. 133. In your postcript to your letter of December 5th, 1846, to Alexander Forbes, I find this passage, referring to the island of Santa Cruz, which Castillero said was his property, viz:

"He is disposed to sell it rather than have it taken from him by the Yankees. It is distant four leagues from the port of Santa Barbara, and he considers that it would be of much importance to England, should the United States take possession of the Californias. If you are inclined to purchase, you can inform yourself of all this leisurely."

Whom did you suppose to be in possession of California at that time?

A. That statement of mine was made merely to convey Castillero's idea; it was not an idea of my own.

The Government of Mexico was then, of course, in possession of California.

Q. 134. Surely both you and Andres Castillero knew that the United States had taken possession of California, long before that time?

A. I have not a clear recollection, but my understanding of the matter is, that the United States had not yet taken California. I have an indistinct recollection of having heard something about a person named Sutter, and that a ship of war had touched at some point, and raised the American flag, and that it had afterwards been taken down.

Q. 135. Did not you and Andres Castillero know that there were no longer any Mexican authorities in California?

A. I don't know what Castillero knew about it; for my part, I did not know that.

Q. 136. I see you state that the island is four leagues distant from Santa Barbara; that was because you supposed that the possession of the shore would only extend into the sea three leagues, was it?

A. I communicated to Mr. Forbes Castillero's idea about the distance, that it was four leagues distant from the port of Santa Barbara. This is what I understand from seeing my letter now. I did not know then, and do not know now, how far the dominion of the possessor of the land would extend into the sea.

Q. 137. Did you not understand at the time that the idea was to get a British subject to purchase the island, so as to induce the British Government to take it and keep it away from the Yankees, or at least to give it protection as British property, just as in the next letter you say:

"Señor Castillero appears to be a sedate person, and he manifests a great interest that this negotiation may be placed

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under the protection of the British flag, as being the only means of securing that property in which he owns twelve shares (barras)."

That is to say, the only means of securing this mine to Andres Castillero?

A. I understand that that was the object, and the letter speaks for itself.

Q. 138. In the letter of Andres Castillero to you, of date December 9th, 1846, copy of which is inclosed in your letter of December 9th, 1846, to Alexander Forbes, as the same has been translated and printed, I find the words, viz.:

"The Board of Encouragement (Junta de Fomento) has offered me one distilling apparatus for quicksilver, of the two which it has ordered from England, and two thousand of flasks, which it has in Tasco, which is important news for our business."

Look at the Exhibit of this letter, as filed in this case, and say whether the Spanish is not *me ofrece*, and whether the proper translation of that is not, that the Board of Encouragement *offers me*, that is to say, *now*, the apparatus, etc.?

[The counsel for claimant desires to state that the translation of this Exhibit referred to in the question, was made by a person who is a competent translator; that the translations were not compared by counsel for claimant, he taking it for granted that they were correct; that the said translations have not been filed in this cause, but were printed along with the testimony in the newspapers of the day, for the sake of convenience.

Counsel for claimant admits that he has discovered one or two inaccuracies in the translation, in unimportant particulars, the most of which are as unimportant as that to which the counsel for the Government has so formally drawn the attention of the witness.

Counsel for claimant objects to the question, because it requires of the witness, who does not understand a word of English, to translate the Spanish into that language.

Counsel for the United States desires to state that he has not intimated that the counsel for claimant would willingly cause to be printed translations that were not correct, and does not see any very good reason for his explanations on that point. He is willing to accept the admissions of counsel that the translation is incorrect in the particular referred to in the question, but by no means to accept his opinion as to the *unimportance* of the error, leaving that to the Court hereafter.

As to the objection to the question requiring a translation by this witness, the counsel for the United States regards the

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interpreter, Mr. Tobin, as entirely competent to convey the question to the witness in such a manner that he will fully understand it, and to convey the answer of the witness to the Commissioner.

Counsel for claimant did not for one moment presume that it was the intention of the counsel for the Government to charge him with having knowingly caused to be printed an incorrect translation. The explanation that was given, was intended to show that this translation is not a part of the record, and is not intended to be made a part of the record. As is well known to the counsel of the Government, the Court has appointed Mr. Richard Tobin, and with the recommendation of counsel for the Government, to translate all the documents in the Spanish language which have been filed by the claimant in this case.

Counsel for the United States states that he had not observed that the translations in this case were not filed; supposed that Mr. Tobin, if he had looked at them at all, had not yet noticed the error, but thinks it well enough to correct the error even in the newspapers, regarding the difference to be that the Junta de Fomento, etc. made the offer in question in the month of December, 1846, and not at a much earlier time, as alleged by the claimant in this case.

Counsel for the claimant states that, on reading the printed translation of the letter referred to, he construed it to mean (and he thinks that the natural and obvious construction of the translation) that the Junta de Fomento, at or about the date of that letter, to wit, 9th December, 1846, offered to Castillero the distilling apparatus, and the flasks mentioned in the letter, and that he did not infer from the letter, as translated, that the offer of the distilling apparatus and the flasks, referred to the contract between Castillero and the Junta, made in May, 1846; he did not suppose it possible for such a construction to have been placed upon the translation of that letter, as the counsel for the Government appears to have given it; he must therefore repeat, that the inaccuracy in the translation is absolutely unimportant, and does not change the meaning of the letter.

Counsel for the Government states that he leaves the difference upon the words "offers," and "has offered," and calls for the answer of the witness.]

A. If the word is translated in the "present tense" it is right; if not, then it is wrong.

Q. 139. Did you understand from Castillero at that time, when this offer was made to him?

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A. I probably learned nothing more from him than what is stated in his letter.

Q. 140. Had you no impression at the time as to whether this offer had been merely made, or whether it had been made some time before?

A. I recollect nothing further than what is stated in the letter.

Q. 141. At what time was the Fair of San Juan held; and was it held in 1846?

A. In strictness, the Fair should be held from the 8th to the 12th December; but it generally begins on the 2d, 3d, and continues until the 14th; it was held in 1846.

Q. 142. Where was it held?

A. At the town of that name, in the State of Jalisco, between forty and forty-four leagues from Guadalajara.

Q. 143. Was it a fact, to the best of your information and present belief, that the Yankee wagons from Santa Fé were permitted to drive down into the State of Jalisco and sell goods there, in the month of December, 1846?

A. Yes, sir; they were allowed to do so.

Q. 144. Who was the Oruña whom you have said sometimes assisted you to write?

A. He was a friend, and distant relation of mine.

Q. 145. In how many of these letters does his handwriting occur?

A. A part of the letter of the 9th December, 1846, (the part following the word "poseen") is in his handwriting. The letter of the 16th December, 1846, is also in his handwriting, down to the words "con los Franceses." The other letter of the 16th December, 1846, is in his handwriting; the letter of the 26th December, 1846, is in his handwriting; the letter of the 6th January, 1847, down to the postscript, is in his handwriting; the letter of the 9th January, 1847, is also in his handwriting; the letter of the 6th February, 1847, marked "Exhibit Negrete No. 15, O. H." is in his handwriting; and the other letter of the 6th February, 1846, is also in his handwriting.

Q. 146. Was this Oruña, who you say assisted you to write and who wrote so large a portion of this series of letters, your clerk, or otherwise in your employment?

A. No, sir; he had a commercial house of his own.

Q. 147. How came he to take so much trouble in writing letters for you?

A. Because he was a friend of mine; lived near my house; and was under some obligations to me since his arrival in the Republic.

Q. 148. He was also a friend of Mr. Forbes, was he not?

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A. No, sir; he did not know him at all.

Q. 149. Why then did you intrust him with Mr. Forbes' confidential communications?

A. For the same reason that I have already stated, that he was an intimate friend of mine; he used to come to assist me to write those and other letters.

Q. 150. Is Oruña now living; if so, where?

A. He is alive, and lives at his Hacienda, called "De la Magdalena," in the State of Morelia.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., October 7th, 1859.

Cross-Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 151. In whose handwriting is the letter of the 19th December, 1846, ("Exhibit Negrete No. 9, O. H.")?

A. The first part of the letter, down to the words "pagar á su barra" (pay for their share) is as I said before in the handwriting of a clerk of Oruña; the balance of the letter is in my own handwriting.

Q. 152. Did Oruña write at your dictation, or copy what you had given him?

A. I dictated all my letters, and if they are examined my style will be recognized.

Q. 153. The first mention I find of the concession of two leagues of land to Andres Castillero, is in the letter of the 16th December, "Exhibit Negrete No. 8, O. H.;" and the next, of your letter of 19th December, "Exhibit Negrete No. 9, O. H.;" and I see no other mention of it.

How did it happen that the only reference to that subject are to be found in letters, one of which is in the handwriting of Oruña, and the other of Oruña's clerk?

A. The only reason I can give is, that Oruña may have been occupied, and he sent me his clerk to write my letters.

Q. 154. As there is no question raised in this case as to the truth of the allegation that Andres Castillero sold some barras to Alexander Forbes, but only as to the genuineness of that grant of two leagues of land as it now appears incorporated in the copy of the act of sale; my question is, how does it hap-

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pen that the only references to that disputed subject to be found in this correspondence, are contained in letters which are not in your handwriting, but one in the handwriting of Oruña, and the other of his clerk?

[Question objected to by counsel for claimant, because the grant referred to is not incorporated in the act of sale, but it is incorporated in the act of ratification, by Castillero, of the contract of Avio, made in Tepic, in November, 1846, between Mr. Alexander Forbes on the one part, and Padre MacNamara, as the agent of the owners of the mine, on the other.

The question is further objected to, because one of the letters referred to is not wholly in the handwriting of Oruña's clerk, but the last part of it is in the handwriting of Mr. Negrete himself, and they are both signed by Mr. Negrete; one of them is addressed by Mr. Negrete.

The question is further objected to, because it has been answered; and again, because it is irrelevant.

Counsel for the United States corrects his question so as to read as follows: As before, down to the word "appears," and then "annexed to, accompanying, or made part of the copy of the contract of Avio, incorporated with a copy of the said act of sale, and to be found therewith in Exhibits Negrete Nos. 19 and 20, W. H. C., how does it happen, etc."?]

A. Those two letters were dictated by me, as were all the others. I am as certain of the genuineness of the Escritura de Avio, as I am of the one of sale; and the grant of two leagues, made by the Supreme Government to Andres Castillero, was copied at the end of the contract of Avio, which fact is also mentioned in the body of said escritura. It seems to me that I have answered the question; if not, I will do all I can to answer it.

Q. 155. Some of these letters are in your own handwriting: what I wish to know is, whether you can give any reason why all those portions of the correspondence which relate to the disputed subject, are in the handwriting of other persons, and not in your own?

[Question objected to by counsel for claimant: first, as irrelevant; and second, as having been twice answered.]

A. When I had a great deal to do, Oruña would come to assist me, otherwise, I attended to my own business.

Q. 156. Do you mean that there was no reason for it, other than the accident that you happened, at the time when these letters were to be written, to be particularly busy?

A. Not exactly; Oruña resided near by, and would come

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and see me nearly every day. We used to walk out together every evening, regularly. When he would find me engaged, or fatigued with work, he would say "compadre, allow me to assist you." I would say either "yes" or "no," as circumstances occurred.

Q. 157. The only reference which I find in this correspondence to any concessions which the Junta de Fomento, etc. had made to Andres Castillero, is in the same letter of 19th December, which, as before said, is in the handwriting of Oruña's clerk.

Do you make the same answer in reference to that as you have just made in regard to the grant of two leagues of land?

A. The document described in the letter of the 19th December, "Exhibit, Negrete No. 9, O. H." "una copia certificada del tribunal de mineria de todas las concesiones," etc., was never brought to me by Andres Castillero.

It appears to me that I have already answered the question in regard to this letter.

Q. 158. Do I understand you to say that all you know about this transaction, is contained in this correspondence?

A. Yes, sir. And besides, I have a personal recollection of the transaction, in which I personally took part in Mexico.

Q. 159. You have no personal recollection which differs from these letters?

A. No, sir.

Q. 160. In your letter of 5th December, 1846, which, with the postscript, is all in your handwriting, you say; first, that Castillero has promised to bring you a document of the ownership of the mine, and afterwards, that he had come in and brought you the contract of partnership in the mine, which appears to be the only title paper to the mine which was then spoken of between you; and on the 16th, eleven days afterwards, appears the first intimation that there was any concession of two leagues of land, or anything else in the nature of a title to the mine.

Was that the fact, that you had been in treaty with him eleven days before you learned anything of this title, emanating directly from the Supreme Government?

A. The matter under consideration between us then, was a purchase; and after having agreed for the sale of four barras, we suspended our negotiations until the arrival of Padre McNamara, because we had learned in the meantime that he had entered into a contract with Mr. Forbes. When he arrived, Castillero saw the contract of Avio, which he had made with Mr. Forbes, and said that he approved it, and moreover, that he would concede in favor of the Avio a grant of

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two leagues of land around the mine which the Supreme Govment had made him. This was the first I heard of this grant, and up to that time I knew of no other title papers than those which had been made here at Santa Clara, in California. If I had known of this grant when I wrote my letter of 5th December, 1846, I would have inclosed a copy of it, for it has always been my habit to communicate the most reliable information I can obtain, touching any business which I am transacting.

Q. 161. When you speak of the papers which had been made here in California, you mean the paper, and refer exclusively to the contract of partnership in the mine, mentioned in your letter of the 5th December, 1846, in the postscript?

A. The only document which I had seen before the arrival of Padre McNamara was the escritura, or contract of partnership, which had been made at Santa Clara, in which I saw that twelve barras, one-half of the mine, belonged to Andres Castillero. This is the escritura to which I referred in my last answer. After Padre McNamara arrived, I saw the contract of Avio which he had made with Mr. Forbes, and the power of attorney from the owners in California.

Q. 162. These were the only papers then you had seen before the 16th December, when Castillero, on the ratification of the contract of Avio, said that he would throw into the bargain the grant of two leagues of land?

[Question objected to by counsel for claimant, upon the ground that Castillero did not ratify the contract of Avio on the 16th December.

Counsel for the United States refers to the following words in the letter of the 16th December: "Señor Castillero then conforms to the contract executed in Tepic, by his associates, and takes part in it," &c. (meaning the contract of Avio); and these other words in the same letter, "He has in his possession the title paper of the Government," &c., &c., "which he has ceded for the benefit of the negotiation, for the sixteen years of your contract," meaning the Avio.

Counsel for the claimant states, that he supposed when the counsel for the Government referred to the ratification of the contract of Avio, he intended the signing of the instrument by which that contract was ratified, and not to agreements made while the matters were in treaty.

Counsel for the United States.—The difference is immaterial.

A. I think I have answered with regard to that already; but, nevertheless, I will repeat what I have said.

The documents which were present on that day, at the set-

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tlement of the affair, were the contract of Avio made by Padre McNamara with Mr. Forbes at Tepic, which might be called the basis of the arrangement; the contract or escritura of partnership, made by Castillero, at Santa Clara in California; and the dispatch, or title by which the Supreme Government had granted to Castillero two leagues of land upon the lands of the mine. That was the first time I saw this latter document.

Q. 163. From the 5th December, down to the 16th of the same month, of what extension did you understand the mine to be, for the purchase of a portion of which you were negotiating—of how many pertenencias?

A. I had no knowledge of mining matters, except that I had heard it said that the mines were divided into twenty-four barras; that was all I knew of the matter.

I also knew that there were what are called "Aviadores refacionarios," persons who make contracts of Avio to work one or more barras on shares.

Q. 164. As a careful man of business, you undoubtedly read the papers concerning the title to this mine. Did you not observe from those which you had under consideration from the 5th to 16th December, that the mine consisted of three pertenencias?

A. I did observe that three pertenencias were spoken of, but I did not know then, and do not know now, what "three pertenencias" mean.

Q. 165. And after Andres Castillero produced his concession, in the shape of a dispatch from the Supreme Government to the Governor of California, you read that also, of course:

Did you not observe in that, that the President Paredes had fully approved of a transaction which had taken place between Andres Castillero and the Mining Junta;

Did you not immediately, thereupon, take measures to inform yourself of what it was that the President was approving in favor of Andres Castillero;

Did you not discover that the thing approved was certain propositions which Castillero had made to the Mining Junta, and that the seventh of these asked for the ratification of the mining concession which the local authority of California had granted to Andres Castillero;

Did you not, upon further inquiry, find that this ratified mining concession, consisted of an extent of three thousand varas in all directions from the mine, and amounted, if calculated in a circle, to a little more than seven hundred and six pertenencias, and if calculated in a square, to just nine hundred pertenencias?

A. I knew nothing about it, and made no effort to inform

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myself on the subject; I did nothing more than carry out the instructions of Mr. Alexander Forbes.

It will be seen by my letters, that I asked Mr. Forbes to indicate anything that he thought was not correct, and that Mr. Castillero was disposed to make everything satisfactory. He replied that he had no objection to anything, except that there was no provision made for paying the aviador, the person who had charge of the mine. I stated that this of course was understood.

Q. 166. If you had made all those inquiries, and had discovered that you had been bargaining for barras in this mine with Andres Castillero, upon the representation that you were purchasing an interest in the whole mine—that is to say, five barras in three pertenencias, which comprised the whole—whilst at the same time Andres Castillero was really the owner of two or three hundred times more pertenencias than he had represented to you, so that instead of buying five twenty-fourths (5-24) you were only buying five seven-hundredths (5-700), or five nine-hundredths (5-900), of the whole mine, would you not have thrown up the whole business and refused both to complete the purchase and to accept of his ratification of the contract of avio, based upon the same misrepresentation—that the mine consisted of three pertenencias?

[Counsel for claimant objects to the question as irrelevant, and asking the opinion of witness as to a hypothetical state of facts.]

A. I have already stated that I did not, and do not, know the meaning of "pertenencias;" I concluded the business to my own satisfaction, and learned afterwards that it was also satisfactory to Mr. Forbes.

This is all I can say upon the subject.

Q. 167. Did you never learn from Mr. Barron, or others interested in and about this mine, that the mining possession given by the Alcalde of San José, in California, to Andres Castillero, and the only title which he had to this mine from the authorities of California, consisted of an extension of three thousand varas in all directions from the mouth of the mine, and that the approval and ratification of this vast concession was contained in that very title paper which Andres Castillero put into your hands, for the first time, on or about the 16th of December, 1846, and which you afterwards sent to Alexander Forbes at Tepic, as you have testified?

A. No, sir; I have not been told so, but I know of my own knowledge what two sitios de ganado mayor are; I know that that was a grant for two sitios de ganado mayor.



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Q. 168. Is that your only recollection of what that dispatch contained; have you not a recollection that it contained something else besides the grant of two leagues?

A. That is my only recollection of its contents; I don't remember that it contains anything but the grant of two leagues.

Q. 169. Have you any recollection about it, one way or the other, and might not the notary, if so disposed, have taken out of his book the dispatch which you saw containing the grant for two leagues of land, and have inserted in its place another dispatch, containing, with the grant of two leagues of land, all the rest that I have suggested to you as to the approval and ratification of the three thousand varas concession made by the Alcalde in California, and you be now unable to say whether it was the same document which you had seen in 1846?

[Counsel for claimant objected to the question on the ground that it is unintelligible.

Counsel for the U. S.—It may be unintelligible to the opposite counsel, but it will appear from the answer of witness whether it is intelligible to him or not.]

A. The notary could not have done that, because I would not have allowed it; Castillero is not a man capable of presenting a false document, and my lawyer, who was a man of integrity, would have seen and prevented it.

Q. 170. In your answer to question 27th, you say that in the notary's book of Protocols, after the contract of avio, there is inserted a copy of this dispatch called the Castillo Lanzas document. Now I ask you, inasmuch as you do not recollect that the dispatch which you saw copied in that book in 1846, contained anything more than the grant of two leagues of land, and now a copy of the same document is here produced which contains by reference (as it is said on the part of the claimant) not only the concession of two leagues of land, but also the ratification and approval of the concession of three thousand varas in all directions from the mouth of the mine, as made by the authorities of California; I ask you, I say, whether it is not possible that the copy which you saw of this dispatch in 1846, might since have been taken out of the notary's record, and another and a false copy of that dispatch been inserted in its place, without your being able at this moment, from memory, to detect the imposture?

[Counsel for the claimant objects to the question upon the ground that the dispatch referred to is solely a grant of two leagues of land, with directions to the Governor to put Castillero into possession of it.

It is true, that this dispatch from the Minister of Relations to

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the Governor of California contains a copy of an official communication from the Minister of Justice to the Minister of Relations, which last contains a copy of an official communication from the Minister of Relations to the Junta de Fomento, in which it is stated that the President of Mexico had approved of Castillero's propositions; but the only part of the dispatch which the witness has referred to, which could have been understood by him or by any one else without reference to other papers, is that part of it in which the Minister of Justice tells the Minister of Relations that the President had acceded to Castillero's petition for a grant of two leagues of land, and that part of it in which the Minister of Relations directs the Governor to put Castillero in possession of the land.

The dispatch in question does not contain, besides the grant, a ratification of anything by reference, but it does refer to a ratification of something by other documents.

Counsel for the United States is satisfied either way, viz., to consider it a ratification by reference, or a reference to a ratification.]

A. That could not be done without my discovering it; I don't think it possible that it could be done, because I have seen the protocol, Castillero's signature, and my own signature, which confirms my recollection of it.

The document speaks of a certain agreement having been ratified (as I see by reading it now) which I know nothing about, but according to my understanding of it, it is a grant for two leagues, nothing more.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., October 8, 1859.

Cross-Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 171. Do you find your own signature and that of Castillero attached to the copy of the "Castillo Lanzas document," so called, following the ratification of the Avio, in the notarial copy of which you have been speaking?

A. I do not find either my signature or his there; nor do I think it is necessary, because my signature and his are to the contract of Avio, which mentions that grant to Castillero.

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Q. 172. Why then did you say, in your answer to question 170, that Castillero's signature and your own signature furnished evidence which confirmed your own recollection that no change had been made in the "Castillo Lanzas document," since you saw it in 1846?

A. I said that, because a short time before coming here, in February of this year, I saw the protocol in Mexico which contains the contract of Avio, signed by myself and Castillero, and immediately after which there is inserted the contract of sale, also signed by myself, Castillero and the notary, Nazario Fuentes,—these are all inserted in immediate succession, without any blank space between them.

In "Exhibit Negrete, No. 19, W. H. C." I find a copy of the contract of Avio with the dispatch copied at the end of it, just as it exists in the protocol drawn to the signature of the notary.

This is the evidence which convinces me that the document is the same that I saw in 1846.

Q. 173. What is there to prevent the notary from taking out all the leaves between your signatures to the ratification of the Avio and your signature to the act of sale, and inserting other leaves in their places, just as he might, if he pleased, take out this leaf in the exhibit to which you have referred, which contains the body of the Castillo Lanzas document, and put in the place another leaf containing anything else,—for example, one of your own letters to Alexander Forbes?

A. I don't know what acts of that sort it might be possible for a notary to commit, but in the present business I am very certain that nothing of the kind has been done, because I saw the protocol, and that portion of it which contains the escrituras is all in the same handwriting, and has evidently been written a long time.

I see now before me the testimonio which was taken at my request, and which I sent to Mr. Forbes, as stated in my letter of 19th December, 1846, which testimonio is also duly certified to by the other notaries; I have seen here the order which I gave for the payment of the fees due for this testimonio, so that even if he were disposed to do so, it would have been impossible for the notary to have taken out that document and inserted another in its place, without my discovering it.

Q. 174. Among those notarial certificates, you find one of Jesus Vejar, do you not?

A. When I spoke of the other notaries, I meant the notaries whose signatures appear to the certificate, written immediately under the signature of Nazario Fuentes. I know nothing about the other certificate, and have not seen them before, to my knowledge; they must have been added subsequently.

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I have heard that Mr. Vejar was a notary at Tepic, but I don't know that I ever saw his signature before.

In addition to the other proofs which I have, for what I have mentioned, I remember that I also saw in the protocol a petition signed by Castillero and myself, addressed to a Judge, asking for the other testimonio of those documents, which I had taken in February, 1847, at the request of Mr. Forbes. It is necessary to have the order of the Judge to obtain the second testimonio. The first was given without such order.

Q. 175. Jesus Vejar was in good standing as a Mexican notary, was he not?

A. I don't know anything about him, and cannot say what his reputation is, but I have never heard anything said against him.

Q. 176. Then you have never heard that he had attached a false certificate to this same Castillo Lanzas document, which you say that you forwarded to Mr. Forbes at Tepic, 19th December, 1846, wherein he certifies that the orders of the Government expressed in that dispatch had been respected and obeyed by the Mexican authorities in California, as appeared from sundry authentic documents which had come under his observation, and that he gave the said certificate at the request of the Señores Barron, Forbes & Co.,—now shown you on page 89 of Transcript from Land Commission.

A. I know nothing whatever about that. I never heard of it before.

Q. 177. In the beginning of the act of ratification of the Avio, I find that Andres Castillero states before the notary, or to speak more exactly, presents a paper to the notary, which shows that his mine consisted of three pertenencias; produces a certain power of attorney, given by the parties in California to Padre McNamara, which also states that the mine consists of three pertenencias; also produces the contract of Avio, which states that the mine consists of three pertenencias; and at the same time causes to be included in his ratification (by reference thereto) the aforesaid Castillo Lanzas document, in which is found the approval and ratification, by reference,—or, as the counsel for the claimant considers more correct, a reference to a ratification of a mining possession,—of three thousand varas in all directions from the mouth of the mine, to wit, estimating in a square, a mining concession equal to nine hundred pertenencias of the largest class.

The first of these quantities, viz., the three pertenencias, would represent a small tract, two hundred varas wide by six hundred varas long; the second, viz., the three thousand varas in all directions from the mouth of the mine, would represent

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an immense tract, three hundred times greater than and including the smaller tract.

I understand you to say distinctly that, in executing the writings you have referred to, you were not aware of this prodigious difference between the two descriptions of the subject matter of your negotiations, set out in the same instrument?

A. I stated yesterday, and I repeat, that I did not then and do not now know anything about pertenencias. That was a matter which, perhaps, it might have been proper for Mr. Forbes to have considered at Tepic when he made the contract of Avio. All I know about it is, that when we received that contract of Avio, Castillero said that he not only adopted and approved it on his part, but that he would also cede to the Avio a grant for two leagues of land upon the lands of the mine, which had been made to him by the Supreme Government.

Q. 178. Of course then, you did not observe, further, that these repugnant descriptions both purported to emanate from the same place, that is, California; nor did you therefore conclude, from so violent a contradiction, that Andres Castillero had no title at all?

A. As I stated before, I only followed the instructions of Mr. Forbes, requiring me to see Castillero and make the purchase for him, and attend to the execution of the papers. At first, Castillero only showed me the contract of partnership which he had made here with Castro and others, and he afterwards showed me the grant of two leagues of land which he had received from the government.

Q. 179. He did not at any time show you any petition or petitions which he had addressed to Antonio Maria Pico, Alcalde of San José, or any copies of the same, nor any act of possession, by which the said Alcalde pretended to grant him as a mining concession, three thousand varas in all directions from the mouth of the mine, or any copy of such an act of possession?

A. I don't remember having seen anything but the contract of partnership between Castillero, Castro and others. I don't mean the original contract, but a copy of it, certified by Antonio Maria Pico.

Q. 180. Do you not regard Andres Castillero as a man of intelligence?

A. I consider him an honest man, and a man of fair intelligence.

Q. 181. Can you suggest to me any reason why a man of fair intelligence, negotiating to sell five barras in the mine, should, when asked for his title, produce a writing of partnership between him and certain individuals, and say nothing

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about the concession, or grant of title to the mine from the government, whilst at that very time he had such a paper in his possession?

A. I suppose the reason was, that we did not then know what the terms of the contract of Avio were, and the matter in treaty then was merely the sale of the five barras.

Q. 182. Barras are shares in a mine. The title to a mine must come from the government. In this case, claimant contends that the Alcalde of San José was the proper officer of the government to grant a title. What I ask you now is, to give any reason that you can, why Andres Castillero, a man of ordinary intelligence, about to sell five barras, and having in his possession a title to the same, derived from the said Alcalde, and approved by the Supreme Government, should, when the purchaser asked him to produce his title, say nothing about this one, but show only a writing of partnership with private individuals?

A. I don't know what his reason was for that.

Q. 183. This purchase you made with the assistance of a lawyer, whom you represent to have been a capable man in his profession:

Did he say nothing to you about the propriety of requiring from Andres Castillero the exhibition of a sufficient title derived from the government?

A. I don't remember that he said anything to me about that.

Q. 184. This lawyer also, of course, read the Castillo Lanzas dispatch. Did he not inform you that it referred to certain other proceedings and documents, with which it was proper for you to be acquainted, in order that you might fully understand what you were about?

A. No, sir. We received it as a grant of two leagues to Andres Castillero, and I believe it is that, and nothing more.

Q. 185. I understand you distinctly to say, that neither you nor your lawyer discovered that behind this dispatch there lay all these proceedings between Andres Castillero, the Junta de Fomento, and the Supreme Government, although you had the paper in your hands, upon the face of which there was a reference to those things?

A. We saw that the document referred to some business between Castillero and the Junta de Fomento, but that did not concern us, and therefore we did not inquire into it; nor was it necessary for us to pay any attention to that, as it was altogether foreign to our business.

Q. 186. If, at the time that Andres Castillero contracted with Alexander Forbes, and gave him the right to work his shares in three pertenencias of the mine, Castillero in fact had an extent

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of mining surface equal to nine hundred pertenencias, by what means would you be able to say which of the pertenencias Alexander Forbes had the right to work:

What would prevent Andres Castillero from making precisely a similar contract of Avio with two hundred and ninety-nine other persons; and hence, was it not of the last importance that Alexander Forbes should know all that lay behind that Castillo Lanzas dispatch?

A. I discover by the questions put by the counsel for the United States, that he looks upon this business in the light in which it appears now, and not as it appeared to us then.

The mine has turned out to be rich, but at that time, though the indications were favorable, we did not know but that it might be worthless, as so many other mines had proven.

I never knew anything about pertenencias, and I suppose Mr. Forbes knew only of barras. If the business was to be done now, probably those other matters would be considered.

Q. 187. I have no doubt of that; you are mistaken, however, if you suppose that Mr. Forbes did not know anything about pertenencias. I asked you the last question merely to point out your error, when you suppose you had no interest in knowing what lay behind the Castillo Lanzas dispatch.

You have said that you regarded Andres Castillero as an honorable man, why then did not he explain that his mining possession consisted of three thousand varas in all directions from the mouth of the mine; why did he allow Mr. Forbes to contract to work three pertenencias for sixteen years, upon the understanding that the three pertenencias were the whole mine —all the mining property in that place that Castillero owned— when, in reality, it was only the three-hundredth (1-300) part of the same?

A. Castillero himself is the only one who can explain that; I cannot. He is still alive.

Q. 188. When Castillero ceded the two leagues of land for the use of the avio, did he explain to you and your lawyer that they lay around about the mouth of the mine, and that the mine was situated on the private property of one José Reyes Berreyesa?

A. I heard nothing more than what appears in the writing, one of which I believe mentions the lands of that Berreyesa.

Q. 189. That, I think, is in the contract of sale, and thus you did know that the two leagues covered a mine which was situated on private property. Did it not occur to you to ask how it was that President Paredes, there at the city of Mexico, could grant away any portion of the land belonging to a citizen of California?

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A. No sir, nothing of that kind occurred to me. It was, perhaps, the duty of Mr. Forbes to look into that matter, and it will be seen by my letters that I suggested to him to see if there were any defects, so that they might be remedied. At that time, we considered California the end of the world, and nothing in California was of any importance to us. I considered that grant of two leagues of mining land in California a very small matter, for even in Mexico now, land of that kind can be bought at four hundred dollars a league, it being generally mountainous land; whereas, valley land, well watered, is worth from twenty to sixty thousand dollars a league—the former is the price of land in the State of Jalisco, near Guadalajara, and the latter the price of land near the city of Mexico.

Q. 190. Did you ever know or hear of any other instance of a grant or conveyance of land, the only description of which showed that, in whole or in part, it had belonged to some third person?

A. According to my idea, Castillero made that statement merely to designate the place where the mine was, not because the mine or the land immediately adjoining it belonged to Berreyesa.

Q. 191. What land did you understand was intended, and of what extent, by these words, which I find in the Castillo Lanzas dispatch: "The land of his mining possession."

[Question objected to by counsel for claimant, because the construction of the grant is for the Court and not for the witness.]

A. The grant speaks for itself. What I then understood, and have always understood since, was, that it was a grant of two leagues of the land in which the mine was situated.

Q. 192. What instructions, if any, did Alexander Forbes give you with reference to the title to the mine which you were to require of Andres Castillero before purchasing?

A. He gave me none. He only told me to see Castillero, and purchase from him as many varas as I could, in the mine of which he was half owner; so that if he had been willing to sell twelve, I would have been willing to buy them all.

Q. 193. For what purpose did you obtain from Castillero this Castillo Lanzas dispatch, addressed to the Governor of California; and why did you send that document to Alexander Forbes?

A. It required possession to be given to Castillero of the two leagues, and nothing could be more natural than that I should send it to Mr. Forbes, so that possession might be taken.

Q. 194. Who was to receive the possession, and who was to give the possession, as you understood it?

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[Counsel for claimant objects to the question, because it is for the Court to construe the grant, and not the witness.]

A. According to my understanding of it, the Judges in California were to give the possession, and the parties interested in the negotiation were to receive it. Of course it is understood that it was the duty of the Governor to have it done, as the dispatch required that he should.

Q. 195. You mean, of course, the Mexican Governor and the Mexican Judges in California, do you not?

[Counsel for claimant objects to the question, upon the same grounds as the last.]

A. Undoubtedly, because the Mexican Government could give no orders to others.

Q. 196. That being the case, did it occur to you to ask Andres Castillero, why he had not attended to it long before, and had put off forwarding this order to the Mexican Governor of California till so late in December?

A. Nothing more occurred to me than to receive it, have a copy of it incorporated in the escritura, and send the document itself to Mr. Forbes.

Q. 197. You did not know at that time, that there was no longer in California, any Mexican Judges, or Mexican Governor, or any other authorities subject to the Government at the Capital of Mexico?

A. For my part I did not so understand it.

Q. 198. Nor did it occur to you, of course, that parties interested might wish to get up false papers, date them back at a time when there were Mexican authorities in California, and pretend that this order to the Governor had been received and obeyed, and that Andres Castillero, or some one for him, had been put in the possession of the two leagues of land, just as is intimated in the false certificate of Jesus Vejar, to which I called your attention this morning, and to which, also, there is an allusion in a certain letter in evidence in this case?

A. I know nothing about Vejar's certificate; I don't even know its contents, but it has never occurred to me, at any time, that the parties interested in this business would forge or falsify any paper or signature.

Q. 198. Do you think that such a supposition would be unjust towards those who procured, and caused to be filed in this case, the false certificate of Jesus Vejar, to be found in the record in this case, and to which I have this morning called your attention?

[Counsel for claimant objects to the question as irrelevant.]

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A. I have read the certificate now for the first time.

With regard to Messrs. Barron, Forbes & Co., I repeat that I believe them incapable of forging or falsifying dates or signatures or anything else.

Examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., October 10, 1859.

Cross-Examination of Francisco M. Negrete resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 199. In your letter of December 16th, 1846, to Alexander Forbes, you say, "He has assured us that the Board for Encouragement of Mining has entreated him to sell it some shares, but that he declined," etc.

Do you remember more particularly what he said about that, when it happened?

A. My understanding was, at the time, that the Junta wanted to buy some barras from him at that same time. He said to me, "now that they have ascertained about this matter, they are anxious to buy; but I, of course, have declined to sell."

Q. 200. "Now that they have ascertained" what?

A. As I understood, he meant that they had ascertained that he had entered into that arrangement with me.

Q. 201. In your letter of the 19th December, 1846, to Alexander Forbs, you say, "Señor Castillero has promised to give me a certified copy, from the Mining Tribunal, of all the mining concessions which were made to him," etc.

Did he tell you what those concessions were?

A. No, sir; he never told me what those concessions were, nor did I ever receive those documents; if I had, I would have sent them to Forbes.

Q. 202. As they were in favor of the mine, and must, therefore, of course have been interesting to Mr. Forbes, who was buying into it, why did not you ask Castillero to explain all about these concessions, and remind him to give you the papers, that you might send them to Mr. Forbes?

A. Because, as I stated several times before, my instructions were only to purchase barras.

The making of those escrituras followed the purchase. My

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duty did not extend beyond that. I told Mr. Forbes (as I see by my letter) that Castillero made that statement to me, and that if he brought me those documents, I would send them to Mr. Forbes—as he did not bring them, of course I did not send them.

Q. 203. And so it was, that you sent off the documents to Mr. Forbes, without knowing what it was that you had bought, or what it was that he had leased, and contracted to work?

A. I knew that I had purchased five barras, and that Mr. Castillero agreed to put in the twelve barras which he owned, to be worked upon the same conditions that were contained in the escritura of Avio made between Mr. Forbes and Padre McNamara, at Tepic, with regard to the barras owned by the persons who were represented by Padre McNamara.

Q. 204. Still, how can you say that you knew what those writings referred to, when you knew nothing about the concessions of the mining tribunal, or of what the government had done for Castillero upon the intercession of that tribunal.

Barras are shares, as I have said before; but how could you say that you knew what it was of which you had purchased barras or shares?

A. I am sorry that I have to repeat, but it seems necessary to do so.

Mr. Forbes requested me to buy as many barras as I could, and I did so; he requested me to have the escrituras made, which I also had done; Mr. Castillero delivered me the grant of two leagues, which I transmitted to Mr. Forbes; I received the escrituras brought by Padre McNamara from Tepic, which I also sent to Mr. Forbes; Mr. Castillero made certain statements to me with regard to some documents concerning concessions which he had received from the mining tribunals, which statements I also communicate to Mr. Forbes; what those documents were or what they contained I never knew, my only knowledge of them was from this statement of Castillero. I told Mr. Forbes in my letter, if there was any defect in what had been done to point it out, so that it might be cured. This was the extent of my connection with the business; I had nothing more to do with it.

Q. 205. Then it is just as I have said; you purchased the barras, received Castillero's assent to the contract of Avio, sent off your documents to Alexander Forbes, but yet knew nothing about those great papers, more important than all the rest, which alone could inform you what it was you had bought, viz.: five shares in a mine of the magnificent extent of three thousand varas in all directions from the mouth of the same, and which said papers were the only ones in which the

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late Board of United States Land Commissioners could find anything of a title to confirm?

[Counsel for claimant objects to the question, on the ground that all that is interrogative has been already answered precisely and explicitly. To so much of the question as states the relative importance of the papers objection is made, because it is impossible to state to the witness a legal opinion whose correctness might well be disputed. So much of the question as informs the witness of the action of the late Board of United States Land Commissioners is objected to, because it is irrelevant, has nothing to do with the answer to the question, is no part of the question, and is not admitted to be a correct construction of the decision of the said Board.

Counsel for the United States:—The United States Board of Land Commissioners rejected the grant of two leagues of land, and confirmed only the mining possession of three thousand varas in all directions from the mouth of the mine.

Counsel for claimant, objects to the Commissioner writing down the statements of counsel for the United States, as this is neither the time nor the place for discussing objections to questions.]

A. I can only repeat what I have already said.

The only documents which I considered important were those which I sent to Mr. Forbes. I presume that he was of the same opinion, for he made no objection to them, but, on the contrary, expressed to me his satisfaction with what I had done, and thanked me for my trouble in the matter. If those documents had not been sufficient, my lawyer would not have failed to make the objection.

Q. 206. I need hardly ask you if Castillero, at the time when he told you the Junta de Fomento, etc., had been entreating him to sell it some shares, he also told you that the very same Junta had, so far as it was able, conferred upon him the title to the mine, and had used its best influence with the President to have that title made good, and so might, he said, to be then trying to buy back a part of what it had a little while before voluntarily conferred upon him.

A. He stated nothing of that kind to me whatever. All he said was what is stated in my letter.

Q. 207. When Alexander Forbes wrote to you to hunt up Andres Castillero to make this purchase, was not that the first time you had ever heard of Andres Castillero?

A. Yes, sir; I had never seen him or heard his name before.

Q. 208. Then of course, you had never heard before of his mine of quicksilver here in California.

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A. No, sir, I had not.

Q. 209. You had remained in the Capital since your arrival in the preceding June?

A. Yes, sir, I remained there from my arrival in June until my departure for Guadalajara in February, or the early part of March, 1847.

Q. 210. In the commercial and financial circle in which you moved, it was not a subject of remark, that in the year before, viz., 1845, a mine of cinnabar had been discovered in California, which was being worked according to the rules of art, and producing an abundance of liquid quicksilver, so that it was likely to exclude from the market the quicksilver from foreign countries, and to revolutionize the trade of Mexico?

[Counsel for the claimant objects to the question, because it has not been proved that the witness did move either in commercial or financial circles.]

A. I had nothing to do with miners nor financiers except as a merchant, nor do I remember having heard, nor do I believe I heard, anything said about that; and besides, I know that communications with California were very tardy, occurred very seldom, and for this reason and the other (that I had nothing to do with miners) I dont think it strange that I never heard about it.

Q. 211. In the letter of Andres Castillero to you of December 16th, 1846, I find these words:

"I will thank you much if you would recommend to Señor Don Alexander Forbes, that on taking possession of the quicksilver mine, my island of Santa Cruz, situated in front of Santa Barbara, may also appear as an English possession."

What did you understand by the words "taking possession," and what is the force of the word "appear," in that connection?

A. I am not versed in law matters, but I understand by the words "taking possession," taking possession, that is given by a Judge.

I am unable to say what the force of the word "appear" would be.

Examination closed.

W. H. CHEVERS,
U. S. Commissioner.

FRAN$^{co}$ MARTINEZ NEGRETE.

Sworn to, and subscribed this 24th October, 1859, before me.

W. H. CHEVERS,
U. S. Commissioner.

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NOTE BY THE COMMISSIONER.—This deposition was signed at this day, because the interpreter had not time to read it over with the witness until the last few days.

W. H. CHEVERS,
U. S. Commissioner.

Filed Oct. 24th, 1859.
W. H. CHEVERS, Clerk.

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EXHIBIT NEGRETE No. 1, O. H.

P^do.

S^or. D^n. Donato Manterola,

MEXICO, Dic^e. 18, de 1846.

Mi estimado amigo:—Ruego á V. mande entregar al Señor D. Andres Castillero la suma de cuatro mil pesos por cuenta de D. Alexandro Forbes, cargando en cuenta de su afmō amigo, S. S.

FRAN^co. MARTINEZ NEGRETE.
[Rubric.]

Recivì,
ANDRES CASTILLERO.
[Rubric.]

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EXHIBIT NEGRETE No. 2, O. H.

P^do.

S^or. D^n. Donato Manterola,

S. C. MEXICO, Dic^e. 22, 1846.

Mi estimado amigo:—Ruego á V. mande entregar al S. D^n. Nasario Fuentes la suma de ciento treinta y siete pesos dos reales, por cuenta de los Señores Barron, Forbes y C^ia., cargando en cuenta de su mui afmō amigo, S.S.

FRAN^co. MARTINEZ NEGRETE.
[Rubric.]

Recíbi fhā. la de arriba.

NAZARIO FUENTES.
[Rubric.]

[Endorsed.]

B. L. M.—Al S^r. D^n. Donato Manterola—SSS—F. M. N.

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## EXHIBIT NEGRETE No. 3, O. H.

Cda.

Sor. Dn. Donato Manterola.

S. C. Mexico, Febo. 6, de 1847.

Mi estimado amigo:—Ruego á V. se sirva mandar entregar al Sr. D. Nasario Fuentes la cantidad de setenta y cinco pesos cargando e/o á su afmō amigo, S.S.

FRANco. MARTINEZ NEGRETE.
[Rubric.]

Recíbi,
Nazario Fuentes.
[Rubric.]

[Endorsed.]

B. L. M.—Al Sr. Dn. Donato Manterola—S. A.—F. M. N.

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## EXHIBIT NEGRETE NO. 4, O. H.

Sor. Dn. Alexandro Forbes:

Mexico, Dice. 5 de 1846.

Mi estimado amigo:—Consiguiente al contenido de sus gratas fhā 24 del proximo anterior he hablado al Sr. Castillero en los terminos que V. se espresa en una de ellas y á quedado en meditar el negocio y traerme sus propuestas hoy mismo y ademas la escritura que tiene en su poder de la propiedad de su mina. Son las ocho de la noche y todavia no trae sus propuestas, por lo que entiendo que no las habrá podido concluir, y si asi fuere las enviará por el siguiente correo su afmo. amigo S. S.

FRANco. MARTINEZ NEGRETE.
[Rubric.]

Aumento.

Despues de firmada la presente ha venido de Sr. Castillero á traerme la escritura de compañia de la mina con una copia de la original, que es la que adjunto, no teniendo lugar de sacar un tanto de esa misma copia; observará V. la sencillez de ese documento y falta de esplicacion: por el arto. 2o. ninguno de los socíos puede enagenar su accíon: este articulo dice el Sr. Castillero que lo redactó asi para evitar que sus compañeros enagenaren alguna barra á los Norte-Americanos. Tambien me ha pasado la carta, que original acompaño, afin. de que impuesto V. de ellas me comunique sus orns. en los terminos que mejor le parezca. Segun el Sr. Castillero el aviador de una mina le corresponde la mitad de los productos: V. con presencia del contenido de la escritura y de las propuestas que hace en

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la carta que me dírige, podrá decidir lo mas conveniente, cierto que yo por mì parte obsequiare sus deseos lo mejor posible. El citado Sr. Castillero hace mucho meritó de la isla de Sta. Cruz, que posée en propiedad, dice que tiene 32 leguas de circunferencia, con un puerto, mucha pesca, maderas y agua dulce. Esta dispuesto á venderla á trueque de que no sela quíten los Yankees: dista 4 leguas del Pto. de Sta. Barbara y la considera de muchisima importancia pa. la Ynglaterra si los E. U. se apoderan de las Californias. Si V. se inclina á la compra informese de todo eso con detencion.

Va á salir el correo y sin tiempo para mas soy del afmo. amigo S. S.

FRANco. MARTINEZ NEGRETE.

[Rubric.]

[Endorsed.]

Sor. Dn. Alexandro Forbes, Tepic.

—

## EXHIBIT NEGRETE NO. 5, O. H.

Sor. Dn. Alexander Forbes.

Mexico, Dice. 9 de 1846.

Mi estimado amigo:—El Sr. Dn. Andres Castillero puso en mis manos á última hora de la salida del correo anterior un tanto de la escritura del mineral consavido en la Alta California, y una carta dirigida á mi srē los terminos en que le combendria entrar en trata con V. El negocio para llebarlo al cabo por V. requiere asegurarlo de un modo á no dejar disputas para despues, y ministrando alguna luz esos documentos citados que acompañé á V. en mi carta del 5, conducente seria que lo sometiera al juicio y dictamen de un buen abogado que estendiera las condiciones arregladas á las ordenanzas de mineria y leyes vigentes. Con eso y las instrucciones que V. me dé yo practicaria aqui todo lo demas que se me ordenara. El Sr. Castillero parece hombre formal y manifiesta grande empeño en que esa negociacion se ponga bajo la proteccion del pavellon ingles unico medio de asegurar esa propiedad en que representa doce barras, habiendo cedido las otras doce por consideracion á las personas que ahora las poseen.

Hasta aqui hira cuando recivo con atraso pr. conducto del Ministro Yngles la apreciable de V. fhā. 28, del po. anterior y con presencia de su contenido hé hablado con el Sr. Castillero nuebamte sobre el asunto de la negociacn de minas de azogue y lo veo enteramte dispuesto aque se refaccione ó habilite la mitad de la mina que á él corresponde ó avender cuatro varras como parezca mejor, por el interes que tiene en defender esa



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negociacn bajo la proteccion del pabellon Britanico. Vista su inmejorable disposicn, y queriendo yo instruirme del valor que pueda darse acada varra, no me he determinado á entrar en completo ajuste hasta no hablar primero con el V. Macnamara, pero ni tampoco me aparecido combeniente darme pr entendido de la trata qe a verificado V. y hasta tanto no llegue dho. padre, conferencie con el y se vea si será mejor qe el mismo le haga entender ese contrato que le hé leido con detenc y no lo hallo con todas las formalidades qe previene el dro. pr qe en él poder qe confirió el Sor Castro deviera haberse insertado las facultades qe le concediéran los otros dos interesados, el Padre Rl. y Robles. Yo me hubiera alegrado qe V. me hubiera fixado algn punto pa poder partir de él, vajo el supuesto de encontrarme á ciegas pa formar concepto del valor qe puedan tener cada varra, pero sea lo qe fuere y cualquiera la opinion del Padre Macnamara yo no pasaré adar pr cada varra cuando mas á mil y quinientos ps y en ultimo resultado me largaré adar siete mil ps pr las cuatro varras qe está anuente en vender el Sr. Castillero conforme lo manifiesta la carta qe há dirigido esta noche qe acompaño á V. en copia. Yo preguntaré al citado Padre la cantidad qe haya dado Dn Diego Forbes pr las dos varras qe V. me cita pa qe me sirva de Norte, teniendo V. prste qe si pasa su valor de dos mil pesos cada una, yo suspendo la compra hta no recivir nuebas ordenes de V., pues la verdad como no soy minero ni afecto á esa clase de jiro me tiemblan las carnes al solo considerar lo precarias qe son esas negociaciones en sus resultadas &c.

Soy de V. afmo amigo, S. S. Q. S. M. B.

FRANco MARTINEZ NEGRETE.

[Rubric.]

[Enclosed.]

Sor. Dn. Franco. Martinez Negrete.—Casa de V. Diciembre 9, de 1846.—Estimado Sòr de mi respeto.—A las propuestas que en la mañana de hoy se digño comunicarme respecto á la mina de azogue, diré á V. brevemente, que al Sòr Dn. Alejandro Forbes puede V. asegurale la venta de cuatro barras; y que para fijar el contrato solo aguardo la llegada del P. Macnamara para que en vista del poder se le de mas validez á la escritura, y nos arreglemos en todo lo demas de la compañia.—La junta de fomento, de dos aparatos q. ha mandado traer de Ynglaterra para la destilacion del azogue me ofrece uno, y dos mil francos que tiene en Tasco, cuya noticia parece ser importante á nuestro negocio.—Soy de V. &a.

ANDRES CASTILLERO.

[Endorsed.]

Sor. Dn. Alejandro Forbes—Tepic.

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## EXHIBIT NEGRETE No. 6, O. H.

Sor. Dn. Alexandro Forbes:

Mexico, Dice. 12 de 1846.

Mí mui estimado amigo:—Tengo prebenido en el despacho de la diligencia me avisen la llegada del Pe Macnamara en el momento que lo verifique. No creo haya venido por la diligencia de hoy por que ya me hubieran dado parte. Siendo el negocio que V. trae entre manos de mucha magnitud segun lo concivo y estribando el lleno de él precisamente en el Sr. Castillero, pienso someter su arreglo conforme corresponde á ley á un abogado de toda mí confianza, pues en estos casos mas vale gastar en un principio media talega que no dejar para despues un pleito cuando este la negociacion en todo giro y productos. De cualquiera modo que sea este asunto se manejará todo lo mejor posible.

Yo no soy minero ní me gusta ese giro. Desde un principio me ofreció dos barras el Sr. Castillero, qe no admití: para unos amigos tal vez tomaria una contando con la anuencia de V. pero esta entraria como todas las demas en el abio refaccionario. De ese modo sí bien los interesados no alcanzarian grandes ventajas, ya sabian que cuando mas perderian lo que les costara la barra.

Desea á V. la mejor salud su afmō amigo.

S. S. L. B. S. M.

FRANco. MARTINEZ NEGRETE.

[Rubric.]

[Endorsed.]

Sor. Dn. Alejandro Forbes, Consul de S. M. B.—Tepic.

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## EXHIBIT NEGRETE No. 7, O. H.

Sor Dn. Alexdo. Forbes.

Mejico, Dbre 16 de 1846.

Mi estimado amigo:—El Presvitero Macnamara llegó á esta el 12 pr. la diligª. y ayer 15, á las doce del dia estubo en esta su casa un par de oras en qe. hablamos menudamte. sobre el negocio de la mina de California, y lo que deveria de hacerse con relacn. al Sōr Castillero; hoy alas once del dia nos volveremo á reunir en junta con el Sōr Castillero y un Abagado de toda mi confianza pª qe esté al tanto de la qe se trate, y estienda las puntas de utro combenio arreglado á ley, o lo mejor posible; á este lo hé enterado de todo el negocio en la parte combeniente

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p$^{r}$ medio de un extracto q$^{e}$ le hé presentado de las cartas de V. esdecir, de todo aquello q$^{e}$ favorece ntrō. posicion para tratar vajo las condiciones q$^{e}$ puedan sea mas favorable á los intereses de V. vajo el pie en q$^{e}$ se halla el negocio y del resultado de tado daré a V. habiso á continuac$^{n}$ de esta ó por separado, pero anticipo estas renglones p$^{r}$ si acaso no me quedase tpō.

Me parecen muy acertados y hasta indispensables las medidas q$^{e}$ V. adoctado acerca de vuque q$^{e}$ conduce el algadon.

Por el correo de mañana aguardo razon de Madrazo y Palacio del resultado de la feria, pues aunque todos se quejan amargumente yo estoy seguro q$^{e}$ han de haber bendido todas las existencias de esa fabrica apesar de los carros Yankees benidos de Santa Fé, q$^{e}$. han sido admitidos en S$^{n}$. Juan sin tropiezo alguno. El govierno supremo esta p$^{r}$. continua$^{n}$. de la guerra y se creé q$^{e}$. existe el mismo modo de pensar en la representac$^{n}$ nacional y siendo así naturalmente será una declarac$^{n}$. formal, impidiendo todo comunicac$^{n}$. con los Norte Americanos y aun estranando las residentes en él pais como lo hicieron con los Franceses. Ha llegada el est$^{o}$. ingles: hasta ahora no recibo carta de mi compadre sin embargo de que he recibido otras. Tengo la esperanza de recogerla mañana.

Soy de V. afmō. amigo, S. S.

FRAN$^{co}$. MARTINEZ NEGRETE.

[Rubric.]

P. D.—El Sr. Castillero desea que V. ampare su isla, y para el efecto me ha pasado la carta adjunta que recomiendo á su atencion

vale.

[Rubric.]

[Enclosed.]

S$^{r}$. D$^{n}$ Fran$^{co}$ Negrete.

C. DE V. D$^{RE}$ 16 DE 1846.

Estimado S$^{r}$. de mi respeto:—Le agradecere à V. mucho recomiende al S$^{r}$. D$^{n}$. Alexandro Forves, que al tomar posesion de la mina de Azogue, aparesca tambien como posesion Ynglesa me Ysla de Santa Cruz, que esta al frente de Santa Barbara, distando solo cuatro leguas de la costa, es una posesion muy importante por la abundancia de agua, mucha madera y su buen puesto. A los buques ingleses, y aun á la compañia puede servirle por la absoluta independencia en que esta de todo el pais. Dispense el que le reitere mi solicitud, quedando como siempre su af$^{mo}$. serv$^{r}$. q ue atento B. L. M.

ANDRES CASTILLERO.

[Rubric.]

[Endorsed.]

S$^{or}$. D$^{n}$. Alexandro Forbes, Consul de S. M. B., Tepic.

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EXHIBIT NEGRETE No. 8, O. H.

S$^{or}$. D$^{n}$. Alex$^{do}$ Forbes.

MEXICO, D$^{bre}$ 16 de 1846.

Mi estimado amigo:—Por fin, hoy á las once y minutos del dia nos hemos reunido el Prev$^{ro}$ D$^{n}$ Eugenio Macnamara, D$^{n}$ Andres Castillero, yo y el S$^{or}$ D$^{n}$ José Antonio Romero para arreglar el ultimo resultado el negocio de la mina, y por que se tratava de asunto de drō me pareció muy combeniente la asistenc$^{a}$ del S$^{or}$ Romero, y por cierto q$^{e}$ no me hequiboque por q$^{e}$ nos fue de grande utilitad en la conferencia y aclarac$^{n}$ de algunos puntos y ademas esforzó y esplanó mis coceptos con el tino, saber y practica q$^{e}$ le asisten por su costumbre en el manejo de negocios, de forma que á no haber estado tan orientados del asunto sobre el que habiamos tenido diferentes sesiones y acordado las puntos de partida y flancos por donde se nos pudiera benir tal vez no se hubiera conseguido el resultado que se deseava.

El S$^{or}$ Castillero pues, se conforma con el contrato otorgado en tepic por sus socios y sé infiere en él por las doce varras que tiene en la mina, y despues de varios devate decidio á enajenarle á V. cuartro varras. Combenido en esto yo le supleque me cediera una mas para dos amigos (que lo son tambien de V.) accedió á ello manifestandome que vastava mi interbencion y la consideracion que me profesava por que accediese ami solicitud. Así es que las cinco varras las hé contratado á 800 p$^{s}$ cada una que hacen 4000 pesos que le entregare tan luego como se estiende la escritura entendido que la una varra p$^{a}$ los indicados amigos si bien pagaran los 800 pesos de su valor, esta entrará en la refaccion con arreglo al contrato que V.tiene hecho en tepic. Ademas de esta escritura se estenderá la otra de habio por lo que toca al S$^{or}$ Castillero. El S$^{or}$ Romero atomado todos los puntos p$^{a}$ mandar tirar las escrituras de una manera que no le que den á V. cuestiones p$^{a}$ despues. El S$^{or}$ Castillero se compromete a que su consocios pasen por la venta de esas varras y que de nó se pagará v. su importe con el producto de las doce varras que á él corresponden.

Tiene en su poder el titulo del govierno por el cual se le concede en el mineral dos leguas de terreno en circumferencia que acedido en veneficio de la negociacion por los 16 años de la contrata de v. Nos ha asegurado que la Junta de Fomento de Mineria le arrogado p$^{a}$ que le venda alguna varra aque se á escusado y yo le he dicho que por ning$^{no}$ motivo ni consideracion enajene ning$^{a}$ otra pues en ese caso v. és el preferente. Yo creo haber obrado y trabajodo por lo mejor de los intereses y de v., y si despues de esto logra v. las ventajas

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que se propone en ese proyecto mi satisfaccion será doblemente compensada. Por el correo sig^te podra mandar á v. las escrituras y alg^n de tall mas que haya podido escapara ami memoria.

Soy de v. su afmō amigo S. S. G. S. M. B.

FRAN^co MARTINEZ NEGRETE.
[Rubric.]

[Endorsed.]

S^or D^n Alexandro Forbes,—Tepic.

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EXHIBIT NEGRETE No. 9, O. H.

Sōr. D^n. Alejandro Forbes:

MEJ^co, Dbrē 19 de 1846.

Mi muy estimado am^o:—Conforme á lo manifestado á V. por mi Carta ultima se han estendido las escrituras de Compromiso por D^n. Andres Castillero como dueño de la mitad de la mina de Azogue consabida, y yo en representacion de V., cuyas originales se firmarón ayer por ambos despues de habernos impuesto de su contenido mi minuciosamt^e y a presencia del Padre Macnamara que le parecieron estar concebidas por lo mejor de los intereses de V., pues para el efecto dados los puntos nuestro abogado intervinó en su redaccion y demas anexidades, por que yo como lego quise la intervencion de un hombre instruido en el drō. de truéque de no incurrir en un defecto sustancial aunq^e fuera costasa la intervencion del letrado, por q^e esto ahorraso para despues disgustos y pleitos. Se me ha ofrecido entregar hoy mismo los testimonios de las escritura que acompañarán á esta, así como tambien la escritura q^e V. otorgo en esa, y el documt^o por el cual consta la cesion que el govierno supremo hizo en favor de D^n Andres Castillero de dos sitios de ganado mayor en el parage donde esta lá mina, y que cede en beneficio de V. por el termino de los diez y seis años.

Concluido el contrato con el citado Castillero nō ha biendo podido obtener de el mas que cuatro barras en favor de V. le suplique me cediera una p^a dos amigos mios, y en efecto accedio á ello inmediatam^te como consta de la carta adjunta que dirige á V. el mencionado Castillero. Esa barra la quiero p^a mi sobrino D^n Fran^co M^a Ortiz y D^n Maritin Lapiedra en atencion á que el priméro ne hiso alguno indicacion de que una pequena parte en esa negocio los constituiria felices y yo he deseado por mi parte obsequiarlos entendido que por la de V. sucedera otro tanto por que me consta el aprecio y demas consideraciones que

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V. les dispénsa. Por decontado que esa barra entrá en el Avio de la compᵃ conforme el contrata que se ha hecho. Si se atiende á las razones qᵉ da el mencionado Castillero, ese mineral es el mas rico que contiene el orbe, y lo dice ciertamᵗᵉ de buena fée pues me merece el concepto de ser un hombre de todo moral y probidad. Le espresa en terminos de ser el contrato muy faborable á V., y que mi intervencion lo ha allanado de la manera que no lo hubiera hecho con ninguna otro persona. Sea de esto lo que fuera yo des pues de haber cumplido con mis deberas, la satisfaccion sera mucho mas cumplido cuando sepe que V. ha aumentado por ese medio su caudal y el de esa respetable casa. El Sōr Castillero ha quedado de entregarme una copia certificada del tribunal de mineria de todas las concesiones qᵉ le hizo cuando por calificacion de la junta facultatíva se comprometió proteger el mineral que no se verifico por que el govierno se echo sobre los fondos.

Al calce de esta consta el pʳᵃˡ y gastos por todo costa sin mas que los S. S. Ortiz y Lapiedra satisfarán á V. los ocho cientos y mas pesos que corresponden pagar á su barras.

No me han traido las dos escrituras que tengo mencionadas, pero van los atros documentos.

He entregado al Sr Castillero
$4000. el dia de ayer que he cargado á esa su casa
$0120. cambio al 2°₀

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$4120. que dara aviso oficial mi casa de Guadalaxara.

De los demas gastos pasará nota el inmediato correo su afmō. amigo que atᵒ B. S. M.

FRANᶜᵒ MARTINEZ NEGRETE.

[Rubric.]

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EXHIBIT NEGRETE No. 10, O. H.

Sōr Dⁿ Alejandro Forbes:

Mejᶜᵒ, Dbrē 19 de 1846.

Mi estimado amᵒ:—En seguida de haber puesto en la estafeta el pliego que dirijo á V. por separado, se me han entregado las dos escrituras que en el se mencionan, y que tiene al gusto de adjuntar á esta su afmō amᵒ S. S. Q. B. S. M.

FRANᶜᵒ MARTINEZ NEGRETE.

[Rubric.]

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## EXHIBIT NEGRETE No. 11, O. H.

Sor. Dn. Alexandro Forbes,
Tepic.

Mexco. Dbre. 26 de 1846.

Mi estimado amigo:—Correspondo á la estimado de V. fhã. 15 del corriente mes diciendo qe. por las escrituras qe. tengo á V. remitidos vera V. qe. se no omitió ningª. circunstancia de las qe. creimos deverle combenía, y entre ellas se notó la de la quieta y pacifica posesion, pues á eso equibale la espresion de evicion y senamto; pero toda via y á mayor abundamto. se hizo una anotacion sobre este asunto. Me parece qe. en drō no se podia hacer mas de lo hecho, sin embargo V. me dira á francamte. si sentir, prqe. si falta algo estoy creido qe. se podra encanar prqe. el Sr. Castillero le advierto gran deferencia ami persona, y esta puede facilitar cualquiera cosa.

En efecto el Sr. Castillero se esprecio en las mismos terminos qe. V. nota esto és, qe. sus consocios no podian vender, y él si. Apesar de qe. él insistiá en qe. se valuaran las barras pr. peritos segn. lo habia propuesta, ami me pareció mejor no dejar pendiente este ancon, y del mismo parecen fué Ntrō Abogado, maxime cuando el valor de cada barra nos pareció modico, atendido de qe. teniamos noticias qe. en otros minas cuyas ensayas nó han pasado del 5 p%. pretenden dos mil ps. pr. cada barra. Por conclusion ya sobre este particular no se deve hablar esté bien ó mal hecho.

Me anima el mayor empeño de tener en mi Huerta de Sn. Pedro un par de mangos prendidos, y confio en qe. V. me los á de proporcionar y qe. en ese caso se los remita á mi Sobrino Ortiz ahora qe. va entrar el tpō propio pa. la plantacn.

Habra V. savido pr. Ortiz qe. se vendieron en Sn. Juan todos productos de la fabrica de V.

Con Dn. Ricardo Teovvard remitá á V. dos cuadernos qe. tratan de minas de Azogue.

Soy de V. afmō amigo S. S. Q. B. S. M.

FRANco. MARTINEZ NEGRETE.

[Rubric.]

[Endorsed.]

Sor. Dn. Alexandro Forbes, Tepic.

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## EXHIBIT NEGRETE NO. 12, O. H.

Sor. Dn. Alejandro Forbes

Mexico, Enero 2, de 1847.

Mi estimado amigo:—Correspondo al contenido de su apreciable fha 22 del proximo anterior confirmando el contenido des mis comunicasiones ultimas por las q. se habra impuesto de todo lo concerniente á su negocio de minas.

Preguntare al Sor. Castilleros q. precio piden por los frascos de azogue bacios aunque opino desde ahora lo ventajoso de comprarlos por ese rumbo, pues remitidos desde aqui los fletes los haran subir mucho.

El efecto no soy afecto á minas y por eso no me animo á entrar en ese negocio si bien los informes son sumamente lisonjeros.

Paselo V. bien y ordene lo q. guste á su afectismo amigo S. S.

FRANco MARTINEZ NEGRETE.

[Endorsed.]

Sor. Dn. Alexandro Forbes,

Consul de S. M. B.—Tepic.

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## EXHIBIT NEGRETE No. 13, O. H.

Sor. Dn. Alexandro Forbes,

Tepic. Mejico, Enero 6 de 1847.

Mi querido amigo:—Tengo á la vista el contenido de su ofio. fhã. 26 del ppo. anterior, congratulandome de qe. hayan merecido su aprovacn. mi trata con el Sr. Castillero cuyas escrituras recivina V. al sigte. correo, y aunque estoy persuadido de qe. ellos estan en regla con todas las formalidades requiridas sin embargo si V. halla algn. gueco havisarme V. qe. será facil llenarlo por la deferencia qe. me manifiesta el Sr. Castillero y por qe. percivo en él un fondo de noblesa y probidad. Por las mismas escrituras estará enterado de qe. importe de las barras compradas á Castillero responden las otras pertenencias qe. él tiene en la mina. Hablaré con el mismo sobre las demas particulares que enciera las citadas dos cartas.

Doy á V. la mas cumplida enhorabuena pr. la llegada tan oportuna de su buque qe. lo hé celebrado tanto como V. mismo; pues ya save qe. me intereso pr. las cosas de Vmds. á la par de

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las mias. Demos, pues gracias á Dios q$^{e}$. tantos nos proteje, y ahora lo q$^{e}$. interesa sobre todos es aprovechar las circunstancias procurando la enajenac$^{n}$. de los productos de Janja sin perder momento p$^{a}$. lo cual escrivo tambien á Ortiz.

Yo entiendo q$^{e}$. las fuersas nabales de los E. Unidos se apoderaran de Mazatlan por lo q$^{e}$. digo con esta fhā. á estro D$^{n}$. Guillermo p$^{r}$q$^{e}$. p$^{a}$. mi voy creyendo q$^{e}$. esos hombres aspiran á la conquesto de Mejico, ó por lo menos á la mayor parte de su territorio, ó la mas bien parado é importante.

Le deseo á V. las mejor salud. Su mas apasionado amigo—Q. B. S. M.

FRAN$^{CO}$. MARTINEZ NEGRETE.

[Rubric.]

P. D:—Sirva á V. de Gobierno que en Setiembre salio una Fragata carada de algodon y unos abarrotes de Lastre de Nueva Orleans para S. Blas, y que siendo buque valero creen llegará en todo este mes no debe bajar su carga de 4 á 5 mil quintales.

[Rubric.]

[Endorsed.]

S$^{or}$. D$^{n}$. Alexandro Forbes, Tepic.

—

## EXHIBIT NEGRETE No. 14, O. H.

S$^{or}$ D$^{n}$ Alex$^{do}$ Forbes,

Tepic. MEJ$^{co}$, Enero 7 de 1847.

Mi muy estimado amigo:—Por su favorecida, fhā. 29 del proximo anterior veo con gusto se hallavan en poder de V. las escrituras consabidas y no dudo de examinadas con atenc$^{n}$ las encontrará en regla.

Haré presente á Castillero las indicac$^{s}$ de V. segun la opinion de este la prāl liabilitac$^{n}$ de la mina deverá de consistir en efectos del pais prālm$^{te}$ en manta y panocha, cuyos renglones notó en la relac$^{n}$ que dirijí a V. en una de mis anteriores.

En fines de Septembre salio de Nueva Orleans p$^{a}$ S$^{n}$ Blas una Fragata Cargada de Algodon q$^{e}$ ignoro si será de la pertencia de Ruvio ó Drusina.

Sin otro. particular Soy de V. afmo. amigo.—S. S. Q. B. S. M.

FRAN$^{CO}$ MARTINEZ NEGRETE.

[Endorsed]

S$^{or}$ D$^{n}$ Alexandro Forbes,—Tepic.

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## EXHIBIT NEGRETE NO. 15, O. H.

Sor. Dn. Alexdro. Forbes
Tepic. MEJICO, 6th Febro. de 1847.

Mi estimado amigo:—Luego que recevi la apreciable de V. fha. 26 del proxmo anterior le mande entregar á Dn Andres Castillaro la carta qe. me acompañó pr. la misma, y no tube lugar de verlo pr. hallarse en el momento de emprender un viaje pa. Celaya—Quando contraté con él la consavida mina de azogue no se me pasó el advertirle qe. V. habia de correr con su habilitacion, recivir sus productos y espenderlas cargando una comision de 3 ó 5 p°. en lo qe. quedó enteremte conforme. y aunque esa circunstancia no se espusere en la escritura, es pr, qe. se sobre entiende como cosa natural de qe. no se devia hacer mencion, y ademas muy util a la compa. pues de otro modo y subdivididos los productos se perjudicaran notablemte los interesados en su venta. Si estubiera aqui Castillero le exejeria una carta que certificara esto mismo pr. escrito, pero siendo persona tan formal en cualquiera tpo. la franqueará. El mismo Castillero me dijo qe. no seria estraño qe. v. pr. un precio muy moderado consiguiría las cuatro varras qe pertenecen al Sor Castro, pues este sï bien es un hombre despijado y fino, a la vez es muy gastador y botador de dinero, por la cual he considerado atrasado.

Si me traen las escrituras autenticadas pa. antes de cerrar esta las accompañaré y sino iran por el proximo correo.

Sin otro particular soy de V. fmo. amigo—

S. S. Q. B. S. M.
FRANco MARTINEZ NEGRETE.

[Endorsed.]
Sor. Dn. Alexandro Forbes, Tepic.

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## EXHIBIT NEGRETE No. 16, O. H.

Sor Dn Alexdro Forbes,
Tepic. MEJco Fbro 6 de 1847.

Mi Quiendo amigo:—Por separado escrivo a V. y á esta tengo el gusto de adjuntarse las escrituras adjuntas, acompañando el recivo de su costo qe consiste en setenta y cinco ps qe habonará á mi Caja de Guadalajara.

Soy de V. afmo. amigo,—S .S. Q. S. M. B.

FRANco MARTINEZ NEGRETE.
[Rubric.]

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# EXHIBIT NEGRETE No. 17—W. H. C.

[MEXICAN COAT OF ARMS]

ESCRIBANÍA PÚBLICA DE JUAN NAVARRO.

*Certificacion expedida con copia literal de dos Ynstrumentos publicos otorgados en el año de* 1846, *ante el Escribano Público Don Nazario Fuentes, segun adentro se expresa.=Mexico,* 1859.

[SELLO.]

Yo, Juan Navarro Escribano público de la Nacion=matriculado en su nacional Colegio y del numero de esta Capital.

Certifico y doy fé por la presente: que por fallecimiento del Escribano Nazario Fuentes, quedaron en mi poder y bajo mi custodia y responsabilidad los libros de protocolos de Ynstrumentos públicos que pasaron ante él, los que conservo legalmente en mi oficina. Certifico igualmente que entre ellos hay un libro Protocolo encuadernado y cosido de papel sellado del que se usa para las escrituras y demas instrumentos públicos para los años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete, compuesto de ciento veinte y una fojas y en el que constan los orijinales de los instrumentos públicos hechos ante el precitado finado Escribano Nazario Fuentes y testigos instrumentales de constumbre cuyo libro se titula, "Año de 1846, Protocolo de instrumentos públicos del Escribano Nazario Fuentes."

Certifico asi mismo que á la foja primera frente de dicho libro y antes de comensar el primer instrumento público que fue un poder otorgado por Doña Merced Yardi en ocho de Enero de mil ochocientos cuarenta y seis á favor de Don Francisco Cortes para la venta de una finca én la Ciudad de Guadalajara, se haya la nota siguiente autorizado y signada por el mencionado Nazario Fuentes que dice=" Protocolo de instrumentos pùblicos para el año de 1846, pertenecientes al Escribano público que signa y firma, doy fe que comienza hoy dia de la fecha=Aqui un signo=Nazario Fuentes."

Ygualmente certifico que en el citado libro existe un instrumento público hecho ante el dicho Escribano Nazario Fuentes el que está en las palabras y forma siguientes.=" En la Ciudad de Mexico á diez y siete de Diciembre des mil ochocientos cuarenta y seis, ante mi el Escribano Publico y testigos presente el Señor Don Andres Castillero Capitan de Caballeria permanente de esta vecindad cuya persona mayor de edad doy fé conozco y dijo: que por el documento que presenta consta,

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que como dueño de una mina de plata con ley de oro y Azogue ubicado en el rancho de Don José Reyes Berreyesa en la jurisdiccion del pueblo de San José de Guadalupe del territorio de la Alta California en el segundo Distrito de Monterey y cuya mina se conoce con el nombre de Santa Clara, celebró un contrato de compañia de dicha mina con los Señores Comandante General Don José Castro, Don Secundino Robles y Don Teodoro Robles, asi como con el R. P. Fr. José Maria del Refujio Suares del Real como cesionario perpetuo de sus consocios por cuatro barras de la mencionada mina, cuyo documento otorgado en la mision de Santa Clara á dos de Noviembre de mil ochocientos cuarenta y cinco en copia sacada del original que existe en el Archivo del partido, autorizado por el Señor Don Manuel Castro y Don Antonio Maria Pico, doy fé tener á la vista en las citadas dos fojas útiles en papel común. Que el relacionado Don José Castro su consocio por si y á nombre de los socios de la mencionada mina otorgó en el puerto de Monterey á los doce diaz del mes de Junio del corriente año de mil ochocientos cuarenta y seis un poder especial pero amplio á favor del Presvitero Don Eugenio Macnamara para que contrase con una Compañia Ynglesa que se hiciese cargo del laborio de las tres pertenencias que á Castro y socios les corresponden en la espresada mina con el objeto de proporcionarle los avios y gastos necesarios para el aumento de la negociacion todo con entera sugecion á lo que para casos como el presente disponen las ordenanzas de Mineria. Que con tal autorizacion el prenotado Señor Presvitero Don Eugenio Macnamara, en la Ciudad de Tepic á veinte y ocho de Noviembre del corriente año de mil ochoientos cuarenta y seis realizo el contrato para que fue autorizado con el Señor Don Alejandro Forbes por sí, y á nombre de la Compañia Ynglesa que representa, reduciendolo á Escritura pública otorgada ante el Escribano público Don Panfilo Solis, cuyo tenor con el poder que justifica la representacion del Señor Macnamara es como sigue=Corregido (al margen)=Una rubrica=Sigue la Escritura=Al margen=Escritura de Tepic=Sigue la Escritura=En la Ciudad de Tepic á veinte y ocho de Noviembre de mil ochocientos cuarenta y seis ante mi el Escribano y testigos el Presvitero Don Eugenio Macnamara actual residente en este lugar dijo: que Don José Castro vecino del puerto de Monterey como socio en la mina de Azogue que se halla en la comprension de Santa Clara y á nombre de sus consocios que le cedieron sus derechos para que contratase con una Compañia Ynglesia lá elaboracion de dicha mina, le confirio poder con este objeto, el cual otorgado ante cuatro testigos en dicho puerto á doce de Junio del corriente año doy fe tener á la vista orijinal en dos fojas y su tenor á la

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letra dice=Al margen=Poder=En el puerto de Monterey á los doce diaz del mes de Junio de mil ochocientos cuarenta y seis: Yo José Castro con presencia de los testigos que al fin se nombrarán, usando del derecho que me han otorgado mis socios para celebrar cualesquiera contrato que se pudiera ofrecer con respecto á las tres pertenencias que por justos titulos y como descubridores tenemos en la mina de Azogue situada en la comprension de Santa Clara, y favoreciendola las ordenanzas de Mineria y leyes concernientes, especialmente el Soberano Decreto de siete de Octubre de mil ochocientos veinte y tres, para que se proporcion el grande provecho y utilidad al laborio de esta clase de minas, y siendo la que poseen en la actualidad la primera, única y principal por su ley que se ha descubierto en la Nacion Mexicana y que no pudiendo el Gobierno Supremo darles los ausilioz que les corresponden por hallarse en una distancia inmensa y ultramarina sin esperanza que este pais, por si mismo fomente este interesante ramo por no tener ningunos fondos de que disponer sin encontrarse al mismo tiempo un facultativo mineralogico, ni haber brazos para el laborio continuo que se requiere para el adelanto de esta industria desconocida en este departamento, ha convenido y conviene dar poder especial amplio, bastante y por cuanto por derecho se requiera mas pueda y deba valer al Presvitero Don Eugenio Macnamara para que representando su persona y la de sus socios contrate con una Compañia Ynglesa, con esclusion de cualquiera otra Nacion, para que se haga cargo del laborió de las tres pertenencias de dicha mina por el tiempo de nueve años, con el fin de proporcionar los avios, hacer los gastos necesarios y mantenerla en buen giro y con arreglo á las mencionados ordenanzas de mineria: siendo los productos de las tres pertenencias de la mina, para los dueños una mitad, y la otra mitad para la Compañia Ynglesa; y cuando no se pudiere, convenir á ello se ofrecerá á la Compañia Ynglesa las dos terceros partes para que los dueños reciban la otra tercera parte, entendiendose que la parte que corresponde á los dueños sera libre de gastos y si aun en esto no hubiere convenio se harán otras estipulaciones de acuerdo con Don Andres Castillero para facilitar la realizacion de un contrato y concluido el tiempo mencionado de nueve años, se prorogarán otros siete años mas en los mismos terminos que se celebre la primera contrata, quedando la negociacion despues de todo este tiempo á disposicion absoluta de los dueños de la mina como tambien todos los materiales, fabricas y demás pertenencias que á ella le corresponden como maquinas y demas utiles adherentes á este beneficio, sin que por causa alguno tengo la Compañia Ynglesa derecho á reclamar cualesquiera otra clase de gastos

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que para su beneficio y propia utilidad llegare á originar=Y á la firmera y validacion de lo que en virtud de este poder se efectuarese obliga el otorgante en toda forma de derecho á sus cumplimiento y para lo cual se somete á los Senores Jueces que del caso deban conocer, en cuyo testimenio lo firmó con los cuatro testigos que lo son Don David Spence, Don Juan Malarin, Don Manuel Dias y Don Antonio Maria Rio en el dia mes y año ya mencionados=José Castro=David Spence=Manuel Diaz=Juan Malarin=Antonio Maria Rio=Almargen=Sigue la Escritura=Que el incerto poder no le está rebocado ni limitado en mañera alguna y que despues de haber solicitado con el mayor empeño el negocio para que fue facultado, ha celebrado con el Señor Don Alejandro Forbes, subdito y Consul Britanico por si y por sus socios en esta empresa el contrato que espresan las siguientes condiciones=Al margen de guarismo.= 1ª. Primera El Señor Don Alejandro Forbes y sus socios se hacen cargo del laborio de las tres pertenencias que comprende dicha mina de azogue por el termino de diez y seis años según esta facultado por el incerto poder y sin que sea necesario el acuerdo de Don Andres Castillero en razon de que este contrato esta fuera de los limites para que fue autorizado el relacionante=Al margen de guarismo=2ª. Segunda. Que el Señor Forbes y socios están en la obligacion de proporcionar los avios necesarios, erogar los gastos precisos y mantener la mina en buen giro y con arreglo à las ordenanzas de Mineria=Al margen=De guarismo=3ª. Tercera. Que de los productos de las tres pertenencias que comprende las mina, persivirán de terceras partes el Señor Forbes y sus socios, quedando la otra parte á favor de los duenos sin que de ella se deduzca gasto alguno=Al margen=De guarismo= 4ª. Cuarta. Que concluidos los diez y seis años de esta compañia queda la negociacion á la disposicion absoluta de los dueños, asi como todos los materiales fabricas y demas pertenencias que á ella le correspondan, como máquinas y otros utiles anexos á la negociacion y por ningun motivo tendrán derecho á reclamar el Señor Forbes y sus socios cualesquiera otra clase de gastos que para su beneficio y propia utilidad lleguen á orijinarse=Presente el Señor Don Alejandro Forbes cuya persona doy fe conozco, por si, y como represetante de los demas, accionistas en este asunto, é impuesto de las anteriores condiciones del poder incerto dijo: que aquellas estan arregladas en un todo á los terminos con que ha celebrado este negocio=Ambos otorgantes manifestaron que este contrato queda celebrado bajo las condiciones estipuladas que se obligan á observar y cumplir religiosamente sin interpretacion y á no reclamar esta escritura en todo ni en parte, y el que faltare sera

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estrechado á su observancia por la via ejecutiva, asi como al pago de los perjuicios y gastos que se originen, cuyo monto defieran en la relacion jurada de quien sea parte, sin otra prueba de que se relevan, aunque se requiera de derecho. Y á la firmera de todo lo referido, obligan los otorgantes sus bienes y los de los socios de la mina y del Señor Forbes, y los someten a la jurisdiccion de los Señores Jueces que de sus causas deban conocer, para que á su cumplimiento los estrechen como por sentencia definitíva consentida y pasada en autoridad de cosa juzgada. Así lo otorgaron y firmaron siendo testigos los Ciudadanos Nicolas Figueroa, Manuel Covarrubias y Luis Villaloazo presentes y vecinos: doy fé=Eugenio Macnamara= Alejandro Forbes=Panfilo Solis=Sacose de su registro hoy dia de su otorgamiento, en estas cuatro fojas del papel corresondente: doy fe=Un signo=Panfilo Solís Escribano Público= Concuerda la anterior escritura con la copia orijinal que en cuatro fojas utiles de los sellos primero y cuarto doy fe tener á la vista=El prenotado Señor Don Andres Castillero continuó diciendo que en la mas solemné forma que haya lugar en derecho otorga: que se obliga á cumplir por su parte esacta y religiosamente como uno de los socios contratantes con el Señor Forbes todo cuanto contiene la escritura incerta que aprueba y ratifica en todas sus partes, queriendo se le tenga desde este momento por uno de los obligados al cumplimiento de sus literal tenor.

Desde hoy hasta cumplidos los diez y seis años del contrato se obliga y á sus herederos y succesores á no reclamar cosa alguna consta la Escritura incerta; pero si lo hiciere quiere no ser oido en juicio ni fuera de el. Cede en favor del avio y por los diez y seis años de la contrata los dos citios de ganado mayor de que el Supremo Gobierno le tiene hecha gracia según consta por el documento oficial que presenta para que quede copiado al finál de la presente Escritura y salga incerto en las copias que de ella se espidan. Y por cuanto á la falta de solemnidad que pueda notarses en el poder incerto en la escritura que va copiada en la presente, se obliga a recavar el esplicito consentimiento de sus consocios que ratificarán la presente escritura para quitar las dudas que puedan ocurrir acerca de la representacion del Padre Don Eugenio Macnamara por los consocios del Señor Castro y del que habla. Declara igualmente que está anuente en que el contrato de que habla esta escritura no tenga efecto hasta que la Compania Ynglesa se halle en quieta y pacifica posecion de la mina á que se refiere.—Con cuyas calidades y condiciones el prenominado Señor Castillero se obliga por su parte al cumplimiento de cuanto queda dicho, y asegura que para el otorgamiento de la presente escritura no

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ha sido engañado; sino antes le es util á sus intereses, y que en el no hay mas condiciones que las espresadas, ni el convenio envuelve lecion ni usura de ninguna especie como lo jura por Dios y la señal de la Cruz; pero si alguna resultare, del esceso le hace gracia y donacion á la compañia Ynglesa jura perfecta é irrevocable con incinuacion y renunciacion de la ley 2ª titº 1º lib. 10 de la Nov. Recop. Desde hoy hasta cumplidos los diez y seis años del contrato y reservándose unicamente los derechos que por el dominio y propíedad le pertenecen, del de posecion y demás que tenga se desapodera quita y aparta así como á sus herederos y todo lo cede renuncia y traspasa en el relaciona Señor Forbes como representante de la Compañia Ynglesa á quien por la presente le confiere amplio poder y facultad bastante constituyendo le procurador en su propia causa para que con sugecion á las ordenanzas de mineria y con total arreglo á la presente escritura se aproveche la Compañia de los productos que con arreglo a la misma le pertenecen, practicando todo lo demás para que está facultada. Se obliga á la eviccion seguridad y saneamiento de este contrato que por su parte asegura le sera cierto y seguro y que por él no se les moverá pleito; pero si alguno resultare, de su cuenta lo seguirá hasta dejar á la Compania en quieta y pacifica posecion; lo que si no lograre le pagará todos los daños perjuicios con las costas procesales y personales que se causen. Se sujeta al tenor literal de la ley 1ª titº 1º lib. 10 de la Nov. Recop. cuyo contenido save y quiere se le tenga por obligado al cumplimiento de la presente escritura. Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad cuya persona mayor de edad doy fe conozco é impuesto del contenido de esta escritura dijo: que teniendo orden espresa y facultad bastante por el Señor Don Alejandro Forbes, á su nombre y el de la Compañla Ynglesa acepta este instrumente dando por contentos y satisfechos a los interesados en ella. El varias veces dicho Señor Don Andres Castillero, al cumplimiento de cuanto queda espuesto obliga en persona y bienes presentes y futuros y con ellos se somete al fuero y jurisdiccion de los Señores Jueces que de sus causas conforme á derecho puedan y deban conocer para que á ello lo compelan y apremien como por sentencia definitiva consentida y pasada en autoridad de cosa juzgada: renuncia su domicilio y vecindad con la general del derecho y la que prohive su general renunciacion. Y por ante mi así lo otorgo y firmó con el Señor Negrete siendo testigos Don Manuel Terrazas, Don Octaviano de la Rosa y Don Manuel Barron presentes y vecinos doy fe.=Andres Castillero=Francisco Martinez Negrete=Nazario Fuentes. E. P.=Certifico y doy fe: que el documento oficial de que se habla en la anterior escritura es del tenor si-



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guiente=Al margen. Ministerio de Relaciones Exteriores Gobernacion y Policia=Excelentisimo Señor=El Exmō. é Y. S. Ministro de Justicia en oficio de veinte del corriente me dice lo que copio=„ Exmō. Sr.=Hoy digo al Exmō. Sōr. Don Vicente Segura, Presidente de la Junta de Fomento de Mineria lo siguiente.=Exmō. Sōr.=Habiendo dado cuenta al Exmō. Sōr. Presidente Ynterino con la nota de V. E. de catorce del presente á que se sirvio acompañarme con recomendacion, la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la mision de Santa Clara en la Alta California; se ha servido S.E. aprobar en todas sus partes el convenio celebrado con dicho individuo para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Exteriores y Gobernacion, para que libre las ordenes oportunas por lo respectivo á lo que contiene la octava proposicion, relativa á la concesion de terrenos en aquel Departamento.= Y tengo el honor de incertarlo á V. E. á fin de que por lo respectivo á la solicitud del Señor Castillero á que ha tenido á bien acceder el Excelentisimo Señor Presidente Ynterino sobre que como Colono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion minera, se sirva V. E. librar las órdenes de que se trata=Reitero á Vuese Elencia Eccetera„=Y lo participo á V. E. para que con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, pongo al Señor Castillero en posecion de los sitios que se mencionan=Dios y Libertad Mexico Mayo veinte y tres de mil ochocientos cuarenta y seis= Castillo Lanzas=Excelentisimo Señor Gobernador del Departamento de Californias=Aquí un signo=Nazario Fuentes.="Almargen se hayan puestas las anotaciones siguientes, rubricadas por el citado Nazario Fuentes"='Se dio copia para la parte de la Compañia remitiendosele á Tepic á Don Alejandro Forbes al segundo dia de su otorgamiento=Una rubrica=En 8 de Agosto de 1848 se dio copia certificada al S. D. Andres Castillero en 10 fᵉ. utiles, en lugar del testimonio que no habia pedido=Una rubrica."

Además certifico y doy fe que en dicho libro inmediatamente despues del precedente instrumente hay otro instrumento que está en las palabras y forma siguiente="En la Ciudad de Mexico á diez y siete de Diciembre de mil ochocientos cuarenta y seis, ante mi el Escribano Publico y testigos presente el Señor Don Andres Castillero Capitan de Caballería permanente de este vecindad cuya persona mayor de edad doy fé conozco y dijo: que es dueño en propiedad de doce barras en la mina de plata con ley de oro y azogue situada en el rancho de Don José Reyes Berreyesa en jurisdiccion del pueblo de San Jose de

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Guadalupe del territorio de la Alta California en el segundo Distrito de Monterey: que con tal caracter por la presente y en la mas solemne forma que haya lugar en derecho otorga por se y á nombre de sus herederos y succesores y los que sus derechos representen, que vende en venta real y enagenacion perpetua al Señor Don Alejandro Forbes, para el sus herederos y los que sus decrechos representen, á saber: cinco barras de las doce que posee en propiedad en la referida mina de Santa Clara que hubo el Señor otorgante como descubridor y con tal caracter transfiere en el Señor comprador las esplicadas cinco barras con todos sus usos, aprovechamientos, servidumbres, con cuanto mas de hecho y de derecho le toca y pertenece; pues todo lo cede renuncia y traspasa en el mentionado Señor Forbes ó quien su derecho represente. Declara que las repetidas cinco barras se hallan libres de todo gravamen censo é hipotica especial ni general y asi se lo asegura por el precio y cuantia de cuatro mil pesos que confiesa tener recibidos en moneda de plata comun y corriente del cuño Mexicano, á toda su satisfaccion sobre lo cual renuncia la ecepcion de la nom numerata pecunia, la ley 9,, titº 1º partª 5ª con los cuatro años que concede para la prueba, los que da por pasados otorgando por la presente el mas firme y eficar resguardo que á la seguridad del comprador conduzca. Asegura que el justo y lejítimo precio de las esplicadas cinco barras son los cuatro mil pesos que confiesa tener recibidos; pues no valen mas ni ha habido quien tanto le ofrezca; pero si mas fuere su valor ó con el tiempo fuese exesiva la bonanza, de todo le hace gracia y donacion pura, mera perfecta é irrevocable con insinuacion y renunciacion de la ley 2ª tit.º 1º lib. 10,, de la Nov. Recop. que tratra de los contratos en que hay lesion en mas ó menos de la mitad del justo precio fijando cuatro años para pedir su resicion ó suplemento al justo valor, los que da por pasados y renuncia con la ley citada. Desde hoy para siempres se desapodera quita y aparta de toda accion, propiedad, dominio y cuasi posecion que pueda tener á las esplicadas cinco barras y todo lo cede, renuncia y traspasa en el Señor comprador ó quien lo represente, para que como dueño de ellas disponga à su arbitrio como de cosa suya adquirida con justo y lejitimo titulo habil y traslatorio de dominio cual es la presente Escritura tomando por si ó judicialmente su posecion y tenencia, constituyendose en el interin por su inquilino y precario posedor en legal forma. Se obliga á la eviccion seguridad y saneamiento de esta venta, así como á que jamás sirva de obstaculo el articulo segundo de la Escritura de compañia otorgada en la mision de Santa Clara á dos de Noviembre, de mil ochocientos cuarenta y cinco, pues se obliga á hacer pasar y consentir en ella á sus consocios así

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como ha consentido y pasado el Señor otorgante por las que han hecho sus compañeros; en la inteligencia que si esto no pudiere conseguir ó se le moviere al comprador algun pleito de que á su costa no lo pudiere dejar en quieta y pasifica posecion, le devolverá los cuatro mil pesos que confiesa tener recibidos con los frutos de las doce barras de que es dueño, pagándole todos los daños perjuicios y menoscabos que se le orijinen sin mas prueba que el simple juramento de la parte. Y para el cumplimiento de esta obligacion hipoteca espresa especial y señaladamente las espresadas doce barras que no podrá vender gravar ni de otra manera enagenar sin espreso consentimiento del Señor comprador que podrá en cáso contrario reclamar las hasta de tercero ó mas posedores para cubrirse de cuanto con arreglo á la presente escritura se les adeude.

Los costos de esta escritura serán de cuenta de ambos contrayentes por mitad. Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad y comercio cuya persona mayor de edad doy fé conozco, é impuesto del contenido de esta escritura dijo: que hallandose competentemente autorizado con ordenes del Señor Don Alejandro Forbes, á su nombre y en legal forma acepta la presente, prestando para el efecto voz y caucion de grato et rato por su representado y á su nombre se da por contento y satisfecho con el presente instrumento obligandose á cumplir lo que en el le pertenece al Señor Forbes. Y al cumplimiento de todo lo espuesto el Señor vendedor obliga su persona y bienes presentes y futeros, y con ellos se somete ál fuero y jurisdiccion de los Señores Jueces que de sus causas conforme á derecho puedan y deban conocer pura que á ello lo compelan y apremien como por sentencia definitiva consentida y pasada en autoridad de cosa juzgada: renuncia su domicilio y vecindad con la general del derecho y la que prohive su general renunciacion. Y por ante mi asì lo otorgó y firmó con el Señor Negrete, siendo testigos Don Manuel Ferrara, Don Octaviano de la Roza y Don Manuel Barron presentes y veclnos doy fé.=Y de que al firmar añadieron los Señores contrayentes que esta venta y todo cuanto consta en la presente escritura, no tendrá su verificativo hasta que el Señor Don Alejandro Forbes esté en quieta y pacifica posecion de las cinco barras vendidas, y si por cualquiera persona ó por cualquiera motivo fuere perturbado, entonces tendrá todo su efecto la hipoteca que hace para ese caso de las doce barras de que se habla en la claúsula de eviccion de la presente escritura: reproduciendo ante los mismos testigos la guarentijia para el cumplimiento de esto último y firmaron doy fe=Andres Castillero =Francisco Martinez Negrete=Nazario Fuentes.=Certifico y doy fe que á pesar de la clausula respectiva que consta en la anterior escritura, los contrayentes exijieron que presenciara la

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entrega de los cuatro mil pesos, la que se verifico por ante mi y los testigos que se dirá, en la casa de Don Francisco Martinez Negrete de todo lo que doy fe; y para constancia siento la presente siendo testigos el E. S. Licenciado Don Jose Antonio Romero y Don Manuel Terraras presentes y vecinos, doy fe"=Aquí un signo=Nazario Fuentes."=Al margen de dicho instrumento se hallan, puestas las siguientes notas rubricada por el mencionado Nazario Fuentes que dicen="Se dio copia de esta Escritura al segundo dia de su otorgamento á la parte de Don Alejandro Forbes=Una rubrica=Mexico Agosto 9 de 1848. En esta fecha se dio al Señor Castillero copia certificada en lugar del testimonio que debio darsele doy fe=Una rubrica."

Certifico ademas: que las precedentes copias son verdaderas, esactas y completas copias de dichos dos instrumentos en dicho libro que existe en los archivos de mi oficina. Y por ultimo certifico: que á la conclusion de dicho libro hay una certificacion puesta signada y firmada por el citado finado.

Nazario Fuentes en las siguientes palabras.="Certifico y doy fé que en el presente año no han ocurrido mas instrumentos que los que aparecen en las ciento viente y uno fojas que anteceden en este protócolo y para constancia lo signo y firmo. =Un signo.=Nazario Fuentes, E. P."

Y en cumplimiento de lo mandado por el Señor Juez segundo suplente en ejercicio del primer juzgado de letras de lo civil de esta Capital, Don Mariano Ycaza en auto del dia ocho del corriente, expido la presenta hoy diez de Febrero de mil ochocientos cincuenta y nueve la que va en diez y seis fojas utiles del sello tercero, bienio corriente: habiendo sido testigos de su saca y correccion Don Antonio Lopez, Don Roman Orta y Don Pedro Navarro de esta vecindad. Doy fé. E. R.=Señor Castillero=ó por cualquiera motivo=vale=enmendado puerto =vale=testº=de=no vale. †

JUAN NAVARRO,
Esno Pubco de la Nacn.
[Rubric.]

El que suscribe, Oficial 1º del Ministerio de Justicia, Negocios eclesiasticos ó Ynstruccion pública, y Mayor honorario del mismo, con ejercicio de decretos.

Certifico: que Dn Juan Navarro, que autoriza el anterior documento, es Escribano público de la Nacion, y la firma y signo q. de él aparece, la misma que usa en todos los actos que autoriza á los cuales se les dá entera fé y credito. Mexico, Febrero veinte y seis de mil ochocientos cincuenta y nueve.

[Sello.] MARº. ALEGRIA.
[Rubric.]

Drōs. cuatro pas.

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[SELLO.] José Miguel Arroyo, Yntendente honorario de Ejercito y oficial mayor 1° del Ministerio de relaciones esteriores de la República Mexicana.

[SELLO.] 46. Certifico: que D^n^. Mariano Alegria es oficial mayor honorario del Ministerio de Justicia de la República, y la anterior firma es la suya que usa en los documentos que autoriza.

México, Marzo 11 de 1859.

Drós. 4 p^s^. J. MIGUEL ARROYO.

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No. 101. CONSULATE OF THE U. S. OF AMERICA,
Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 50. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

Fees, $2.

[SEAL.] JOHN BLACK,
*U. S. Consul.*

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[The foregoing Exhibit is secured with a green ribbon, and is attested as follows:

Mexico, Febrero 14, de 1859. FRAN^co^. MARTINEZ NEGRETE.
Rubric.

ANDRES CASTILLERO.
Rubric.

April 24, 1859. FRAN^co^. VILLALON.
Rubric. ]

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# EXHIBIT NEGRETE No. 18, W. H. C.

[MEXICAN COAT OF ARMS.]

ESCRIBANA PUBLICO DE JUAN NAVARRO.

*Certificacion expedida con copia literal de un Escrito y diligencias practicadas á continuacion q^e. se halla protocolizado en el protocolo del finado Escribano D^n. Nazario Fuentes pertenec^te. al año* 1846. *Mexico,* 1859.

[SELLO.]

Yo, Juan Navarro Escribano público de la Nacion matriculado en su nacional Colegio y del número de esta Capital.

Certifico y doy fé por la presente: que por fallécimiento del Escribano Nazario Fuentes quedaron en mi poder y bajo mi custodia y responsabilidad los libros de protocolo de Ynstrumentos públicos que pasaron ante él. los que conservo legalmente en mi oficina. Certifico igualmente, que entre ellos hay un libro Protocolo eucuadernado y cosido de papel sellado del que se usa para las escrituras y demás instrumentos públicos, para los años mil ochocientos cuarenta y seis y mil ochocientos cuarenta y seite, compuesto de ciento veinte y una fojas y en el que constan los orijináles de los instrumentos públicos hechos ante el precitado finado Escribano Nazario Fuentes y testigos instrumentales de constumbre cuyo libro se titulá.="Año de 1846.=Protocolo de Ynstrumentos Públicos del Escribano Nazario Fuentes."

Certifico asimismo que á la foja primera frenté de dicho libro y antes de comenzar el primer instrumento público que fue un poder otorgado por Doña Merced Sardi en ocho de Enero de mil ochocientos cuarenta y seis á favor de Don Francisco Cortes para la venta de una finca en la Ciudad de Guadalajara, se halla la nota siguiente autorizada y signada por el mencionada Nazario Fuentes que dice.="Protocolo de instrumentos públicos para el año de 1846, pertenecientes al Escribano público que signa y firma, doy fé que comienza hoy dia de la fecha.= Aquí un signo."=Nazario Fuentes.=Ygualmente certifico: que en el citado libro Protocolo se halla agregado, marcada la foja con el número ceinto doce, un Escrito firmado por Don Andres Castillero y Don Francisco Martinez Negrete, cuyo contenido, auto á él proveydo, notificacion y razon que se halla á su calce es como sigue.="Don Andres Castillero y Don Francisco Martinez Negrete como corresponzal del Señor Don Alejandro

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Forbes, Consul de S. M. B. residente en Tepic, ante V. con el debido respeto decimos: que el diez y siete de Diciembre del año procsimo pasado otorgamos ante el Escribano Don Nazario Fuentes dos Escrituras, una de venta de una accion en la mina de San José de Guadalupe en el Distrito de Monterey en la alta Calfornia conocida con el nombre de Santa Clara, y otra de compañia en dicha mina. Y teniendo orden del Señor Forbes para pedir otra copia autentica de dichos instrumentos como que en elles intervine (yo Negrete) por el Señor Forbes. =A. V. suplico se sirva mandar que el citado Escribano en cuyo protocolo existen tales documentos, de las copias que se piden en manera que haga fé: pedimos justicia juramos lo necesario Etcetera.=Francisco Martinez Negrete.=Andres Castillero.=Mexico Febrero 3 de 1847.=Por presentado como lo pidendandose por el Escribano las copias para que obren los efectos que haya lugar: lo proveyó el S. Juez suplente del Jusgado 1° de lo civil Lic. Don Juan Hierro y lo firmo doy fé.= Hierro.=Nazario Fuentes.=En la misma fecha presente en su casa el Señor Don Andres Castillero le hice saber el anterior auto de que impuesto dijo lo oye y firmó do fé.=Andres Castillero.=Nazario Fuentes.=En igual fecha presente en la casa de su morada el Señor Don Francisco Martinez Negrete le hice saber el anterior auto é impuesto dojo lo oye y firmó por ante mi de que doy fé.=Martinez Negrete.=Nazario Fuentes.=En la misma fecha se expidieron las copias mandadas, en el papel que corresponde, lo anoto para constancia doy fé.=Fuentes."

Certifico además que la precedente copia es verdadera, esacta y completa de dicho Escrito y dilegencias de su calce que se halla en el mencionado libro Protocolo que existe en los archivos de mi oficina.

Ygualmente certifico que la fecha del instrumento que precede inmediatamente á la peticion y auto que se ha certificado arriba, es lá de veinte y uno de Deciembre de mil ochocientos cuarenta y seis, y que despues de dicha solicitud y auto, existen nada mas cuatro instrumentos en ocho fojas, dos de los cuales pasaron en veinte y cuatro otro en treinta y el último en treinta y uno de Deciembre del mencionado año de mil ochocientos cuarenta y seis, y que la solicitud referida de Castillero y Negrete, no tiene fecha, y el auto del Juez la tiene, de tres de Febrero de mil ochocientos cuarenta y siete y está escrita sobre la misma solicitud.

Y por último certifico: que á la conclusion de dicho libro hay una certificacion puesta signada y firmada por el citado finado Nazario Fuentes en las siguientes palabras.=" Certifico y doy fé que en el presente año no han ocurrido mas instrumentos que los que aparecen en las ciento veinte y una fojas

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que anteceden en este protocolo y para constancia lo signo y firmo.=Un signo.=Nazario Fuentes. E. P."

Y en cumplimiento de lo mandado por el Señor Juez segundo suplente en ejercicio del primer juzgado de letras de lo civil de esta Capital Don Mariano Ycaza en los autos de los dias, ocho, y diez y seis del corriente, expido la presente hoy diez y seis de Febrero de mil ochocientos cincuenta y nueve, la que va en cuatro fojas útiles del sello tercero bienio corriente: habiendo sido testigos de su saca y correccion Don Antonio Lopez, Don Roman Orta y Don Pedro Navarro de esta vecindad. Doy fé. †

JUAN NAVARRO,
Escnō. Púbco. de la Nacn.
[Rubric.]

—

El que suscribe, Oficial primero del Ministerio de Justicia, Negocios Eclesiasticos é Ynstruccion pùblica y Mayor honorario del mismo, con ejercicio de decretos.

Certifico: que D. Juan Navarro, que autoriza el anterior documento, es Escribano público de la [SELLO] Nacion y la firma y signo que de él aparece la misma que usa en todos los actos que autoriza á los cuales se les da entera fé y crédito. Mexico Febrero veintiseis de mil ochocientos cincuenta y nueve.

[SELLO.] MARo. ALEGRIA.
[Rubric.]

Dros. cuatro ps.

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47

[SELLO.] José Miguel Arroyo, Yntendente honorario de Ejército y Oficial Mayor 1o del Ministerio de Relaciones Esteriores de la República Mexicana.

Certifico que Don Mariano Alegria es oficial [SELLO.] mayor honorario del Ministerio de Justicia de la propia Repúblic, y la anterior firma es la suya que usa en los documentos que autoriza. Mexico 11 de Mzō. de 1859.

Dros. 4 ps. J. MIGUEL ARROYO.
[Rubric.]

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No. 102. CONSULATE OF THE U. S. OF AMERICA,
Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the

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proper handwriting of said person, the same as used by him in his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51. Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SELLO.]

JOHN BLACK,
*U. S. Consul.*

[The foregoing Exhibit is secured with a green ribbon, and is attested as follows:

Mexico Febº 18 de 1859. FRANCO MARTINEZ NEGRETE.
Rubric.

Mexico Febº 23 de 1859. ANDRES CASTILLERO.
Rubric.

Abril 24 de 1859. FRANº VILLALON.
Rubric. ]

## EXHIBIT NEGRETE No. 19, W. H. C.

SELLO PRIMERO [SELLO] OCHO PESOS.

*Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.*

CORREGIDO.
[Rubric.]

En la Ciudad de Mexico á diez y siete de Diciembre de mil ochosientos cuarenta y seis, ante mi el Escribano Publico y testigos, presente el Señor Don Andres Castillero, Capitan de Caballeria Permanente de esta vecindad, cuya persona mayor de edad doy fé conosco y dijo: que por el documento que presenta, consta que como dueño de una mina de plata con Ley de oro y Azogue, ubicada en el rancho de Don José Reyes Berreyeza, en la jurisdiccion del Pueblo de San José de

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Guadalupe, del Territorio de la Alta California, en el segundo Distrito de Monterrey, y cuya mina se conoce con el nombre de Santa Clara, celebró un contrato de compañia de dicha mina con los Señores comandante general Don José Castro, Don Secundino Robles, y Don Teodoro Robles; asi como con el Reverendo Padre Fray José Maria del Refugio Suarez del Real, como cesionario perpetuo de sus consocios por cuatro Barras de la mencionada mina, cuyo documento otorgado en la Mision de Santa Clara á dos de Noviembre de mil ochosientos cuarenta y cinco en copia sacada sacada del original que existe en el Archibo del Partido, autorizada por el Señor Don Manuel Castro y Don Antonio Maria Pico, doy fé tener á la vista en las citadas dos foxas utiles en papel comun. Que el relacionado Don José Castro su consocio, por sí y á nombre de los socios de la mencionada mina otorgó en el Puerto de Monterrey á los doce dias del mes de Junio del corriente año de mil ochosientos cuarenta y seis, un poder especial pero amplio, á favor del Presbitero Don Eugenio Macnamara para que cóntrate con una compañia Ynglesa que se hisiese cargo del laborio de las tres pertenencias que á Castro y Socois les corresponden en la espresada mina con el objeto de proporcionarle los avios y gastos necesarios para el aumento de la negociacion: todo con entera sugecion á lo que para casos el presente disponen las ordenanzas de mineria. Que con tal autorizacion, el prenotado Señor Presbitero Don Eugenio Macnamara, en la Ciudad de Tepic, á veinte y ocho de Noviembre del corriente año de mil ochosientos cuarenta y seis, realizò el contrato para que fué autorizado con el Señor Don Alejandro Forbes por si y á nombre de la compañia Ynglesa que representa; reduciendolo á Escritura publica otorgada ante el Escribano Publico Don Panfilo Solis, cuyo tenor con el poder que justifica la representacion del Señor Macnamara es como sigue.

Escritura de Tepic. Corregido.=(Al margen). Una rubrica.=En la ciudad de Tepic á veinte y ocho de Noviembre de mil ochosientos cuarenta y seis, ante mi el Escribano y testigos, el Presbitero Don Eugenio Macnamara, actual residente en este lugar dijo: que Don José Castro, vecino del Puerto de Monterrey, como socio en la mina de azogue que se halla en la comprehencion de Santa Clara, y á nombre de sus conscios, que le cedieron sus derechos para que contratase con una compañia Ynglesa la elaboracion de dicha mina, le confirió poder con este objeto, el cual otorgado ante cuatro testigos en dicho Puerto, á doce de Junio del corriente año doy fé tener á la vista original, y su tenor á la Letra dice.

Poder. En El Puerto de Monterrey á los doce dias del mes de Junio de mil ochosientos cuarenta y seis. Yo José Castro

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con presencia de los testigos que al fin se nombrarán: usando del derecho que me han otorgado mis socios para celebrar cualesquiera contrato que se pudiera ofrecer, con respecto á las tres pertenencias que por justos titulos y como descubridores tenemos en la mina de azogue cituada en la comprehencion de Santa Clara, y favoreciendoles las ordenanzas de mineria y leyes concernientes, especialmente el Soberano decreto de siete de Octubre de mil ochosientos veinte y tres, para que se proporcione el grande provecho y utilidad al laborio de esta clase de minas, y siendo que poseen en la actualidad, la primera, unica y principal por su ley que se ha descubierto en la nacion Mexicana; y que no pudiendo el Gobierno Supremo darles los auxilios que les corresponden por hallarse en una distancia inmenza y ultramarina, sin esperanza que este paiz por si mismo fomente este interesante ramo, por no tener ningunos fondos de que disponer, y sin encontrarse al mismo tiempo un facultativo mineralogico, ni haber brazos para el laborio continuo que se requiere, para el adelanto en esta industria desconocida en este Departamento: ha convenido y conviene dar poder especial, amplio, bastante y por cuanto por derecho se requiera, mas pueda y deba valer, al Presbitero Don Eugenie Macnamara, para que representando su persona y la de sus socios contrate con una compañia Ynglesa, con esclucion de cualquiera otra nacion, para que se haga cargo del laborio de las tres pertenencias de dicha mina por el tiempo de nueve años, con el fin de proporcionar los avios, hacer los gastos necesarios, y mantenerla en buen jiro y con arreglo á las mencionadas ordenanzas de mineria, siendo los productos de las tres pertenencias de la mina, para los dueños una mitad, y la otra mitad para la compañia Ynglesia, y cuando no se pudiere convenir á ello, se ofrecerá á la compañia Ynglesa *las dos terceras partes, para que los dueños reciban la otra tercera parte*, entendiendose que la parte que corresponde á los dueños será *libre de gastos;* y sin aun en esto no hubiere convenio, se haran otras estipulaciones de acuerdo con Don Andres Castilleros para facilitar la realisacion de un contrato; y concluido el tiempo mencionado de nueve años, se prorrogaran otros siete años mas, en los terminos que se celebre la primera contrata, quedando la negociacion despues de todo este tiempo á disposicion absoluta de los dueños de la mina, como tambien todos los materiales, fabricas y demas pertenencias que á ella le corresponden, como maquinas, y demas utiles adherentes á este beneficio, sin que por causa alguna tenga la compañia Ynglesa derecho á reclamar cualesquiera otra clase de gastos que para su beneficio y propia utilidad llegare á originar.—Y á la firmeza y validacion de lo que en virtud de este poder se ejecutare, se obliga el otorgante en

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toda forma de derecho á su cumplimiento, y para lo cual se somete á los Señores Jueces que del caso deban conocer, en cuyo testimonio lo firmó con los cuatro testigos que lo son Don David Spence, Don Juan Malarin, Don Manuel Diaz y Don Antonio Maria Rio, en el dia mes y año ya menciodados.= José Carstro.=David Spence.=Manuel Diaz.=Juan Malarin.= Antonio Maria Rio.

Sigue la Escritura de Tepic.

Que el inserto poder no le está revocado mi limitado en manera alguna; y que despues de haber solicitado con el mayor empeño el negocio para que fué facultado, ha celebrado con el Señor Don Alejandro Forbes Subdito y Consul Britanico por si, y por sus socios en esta empreza, el contrato que espresan las siguientes condiciones.

1ª. Primera: el Señor Don Alejandro Forbes y sus sociois, se hacen cargo del laborio de las tres pertenencias que comprehende dicha mina de azogue por el termino de diez y seis años, segun está facultado por el inserto poder, y sin que sea necesario el acuerdo de Don Andres Castillero, en razon de que este contrato está fuera de los limites para que fué autorizado el relacionado.

2ª. Segunda: Que el Señor Forbes y socios estan en la obligacion de proporcionar los avios necesarios, erogar los gastos precisos y mantener la mina en buen jiro, y con arreglo á las ordenanzas de mineria.

3ª. Tercera: Que de los productos de las tres pertenencias que comprehende la mina, percibirán dos terceras partes el Señor Forbes y sus socios, quedando la otra parte á favor de los dueños; sin que de ella se dedusca gasto alguno.

4ª. Cuarta: Que concluidos los diez y seis años de esta compañia queda la negociacion á la disposicion absoluta de los dueños, asì como todos los materiales, fabricas y demas pertenencias que á ella le correspondan, como maquinas, y otros utiles anexsos á la negociacion; y por ningun motibo tendran derecho á reclamar el Señor Forbes y sus socios, cualesquiera otra clase de gastos que para su beneficio y propia utilidad lleguen á originarse.

Presente el Señor Don Alejendro Forbes, cuya persona doy fé conosco, por si y como representante de los demas accionistas en este asunto, é impuesto de las anteriores condiciones del poder incerto dijo: que aquellas estan arregladas en un todo á los terminos con que ha celebrado este negocio.

Ambos otorgantes manifestaron: que este contrato queda celebrado bajo las condiciones estipuladas que se obligan á observan y cumplir religiosamente, sin interpretacion, y á no reclamar esta Escritura en todo ni en parte, y el que faltare será estrechado á su observancia por la via ejecutiva, asi como al

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pago de los perjuicios y gastos que se originen cuyo monto de fieren en la relacion jurada de quien sea parte, sin otra prueba de que se relevan, aunque se requiera de derecho. Y á la firmeza de todo lo referido obligan los otorgantas sus bienes y los de los socios de la mina y del Señor Forbes, y los someten á la jurisdiccion de los Señores Jueces que de sus causas deban conocer, para que á su cumplimiento los estrechen como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada. Asi lo otorgaron y firmaron siendo testigos los ciudadanos Nicolas Figueroa, Manuel Covarrubias y Luis Villalbazo presentes y vecinos: doy fé.—Eugenio Macnamara.—Alejandro Forbes.—Panfilo Solis.

Sacose de su registro hoy dia de su otorgamiento en estas cuatro foxas del papel correspondiente: doy fé.=Un signo. Panfilo Solis, Escribano Publico.

Concluye la escritura de Tepic y sigue la presente:

Concuerda la anterior Escritura con la copia original que en cuatro foxas utiles doy fé tener á la vista.

El pretonado Señor Don Andres Castillero continuo diciendo que en la mas solemne forma que haya lugar en derecho otorga: que se obliga á cumplir por su parte esacta y religiosamente como uno de los socios contratantes con el Señor Forbes todo cuanto contiene la Escritura inserta, que aprueba y ratifica en todas sus partes, queriendo se le tenga desde este momento por uno de los obligados al cumplimiento de su literal tenor.

Desde hoy hasta cumplidos los diez y seis años del contrato, se obliga y á sus herederos y succesores á no reclamar cosa alguna contra la Escritura inserta; pero si lo hiciere, quiere no ser oido en juicio ni fuera de él.

Cede en favor del avio y por los diez y seis años de la contrata, los dos citios de ganado mayor de que el Supremo Gobierno le tiene hecha gracia, segun consta por el documento oficial que presenta para que quede copiado al final de la presente Escritura y salga inserto en la copias que de ellas se pidan.

Y por cuanto á la falta de solemnidad que pueda notarse en el poder inserto en la Escritura que va copiada en la presente, se obliga á recavar el esplicito eonsentimiento de sus consocios, que ractificaran la presente Escritura para quitar las dudas que puedan ocurrir á cerca de la representacion del Padre Don Eugenio Macnamara por los consocios del Señor Castro y del que habla. Declara igualmente que está anuente en que el contrato de que habla esta escritura no tenga efecto hasta que la compañia Ynglesa se halle en quieta y pasifica posecion de la mina á que se refiere.

Con cuyas Calidades y condiciones el prenotado Señor Castillero, se obliga por su parte al cumplimiento de cuanto queda

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dicho; y asegura que para el otorgamiento de la presente Escritura no ha sido engañado; sino antes le es util á sus intereses, y que en el no hay mas condiciones que las esprezadas, ni el convenio envuelve lesion ni usura de ninguna especie, como lo jura por Dios y la señal de la Cruz; pero si alguna resultare del exceso le hase gracia y donacion á la compañia Ynglesa pura, perfecta, é irrevocable, con insinuacion y renunciacion de la *Ley segunda, titulo primero, libro diez de la Novisima Recopilacion.*

Desde hoy hasta cumplidos los diez y seis años del contrato y reservandose unicamente los derechos que por el dominio y propiedad le pertenecen del de posecion y demas que tenga, se desapodera quita y aparta, asi como á sus herederos, y todos los cede renuncia y traspasa en el relacionado Señor Forbes, como representante de la compañia Ynglesa á quien por la presente le confiere amplio poder y facultad bastante constitúyendolo procurador en su propia causa para que con sugeccion á las ordenanzas de mineria, y con total arreglo á la presente escritura, se aproveche la compañia de los productos que con arreglo á la misma le pertenecen, practicando todo lo demas para que está facultada.

Se obliga á la eviccion seguridad y saneamiento de este contrato que por su parte asegura le será cierto y seguro, y que por el no se le movera pleito; pero si alguno resultare de su cuenta lo seguirá hasta dejan á la compañia en quieta y pacifica posecion; lo que si no lograre, le pagará todos los daños y perjuicios con las costas procesales y personales que se causen. Se sugeta al tenor literal de la *ley primera, titulo primero libro diez de la Novisima Recopilacion*, cuyo contenido sabe y quiere se le tenga por obligado al cumplimiento de la presente Escritura.

Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad cuya persona mayor de edad doy fé conosco, é impuesto del contenido de esta escritura dijo: que teniendo orden espresa y facultad bastante por el Señor Don Alejandro Forbes, á su nombre y el de la compañia Ynglesa, acepta este instrumento dando por contentos y satisfechos á los interezados en ella. El varias veces dicho el Señor Don Andres Castillero, al cumplimiento de cuanto queda espuesto obliga su persona y bienes presentes y futuros y con ellos se somete al fuero y jurisdiccion de los Señores Jueces que de sus causas conforme á derecho puedan y deban conocer para que á ello lo compelan y apremien como por sentencia definitiva consentida y pasada en autoridad de cosa juzgada: renuncia su domicilio y vecindad con la general del derecho y la que prohive su general renunciacion. Y por ante mi asi lo otorgó y firmó con el Señor Negrete siendo testigos Don Manuel Terraras, Don Octaviano

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de la Rosa y Don Manuel Barron presentes y vecinos doy fé.=Andres Castillero.=Francisco Martinez Negrete.=Nazario Fuentes, Escribano Nacional y Publico.

Documento oficial. Certifico y doy fé que el documento oficial de que se habla en la anterior Escritura, es del tenor siguiente.=Al Margen. Ministerio de Relaciones esteriores Gobernacion y Policia=Excelentisimo Señor.=El Excelentisimo é Y. S. Ministro de Justicia en oficio de veinte del corriente me dise lo que copio.—Excelentisimo Señor=Hoy digo al Excelentisimo Señor Don Vicente Segura, Presidente de la junta de fomento de Mineria lo siguiente.=Excelentisimo Senor.=Habiendo dado cuenta al Excelentisimo Señor Presidente interino con la Nota de V. E. de catorce del presente á que se sirvió acompañar me con recomendacion, la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la mision de Santa Clara en la Alta California; se ha servido su Excelencia aprobar en todas sus partes el convenio celebrado con dicho individuo para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Exteriores y Gobernacion, para que libre las ordenes oportunas por lo respectivo á lo que contiene la octava proposicion, relativa á la consecion de terrenos en aquel Departamento.=Y tengo el honor de insertar lo á V. E. á fin de que por lo respectivo á la solicitud del Señor Castillero, á que ha tenido á bien acceder el Excelentisimo Señor Presidente interino sobre que como colono se le conceda dos citios de ganado mayor sobre el terreno de su posecion minera, se sirva V. E. librar las ordenes de que se trata.=Reitero á V. E. ecsetera.=Y lo Participo á V. E. para que con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, ponga al Señor Castillero en posecion de los dos sitios que se mencionan.=Dios y libertad Mexico y Mayo veinte y tres de mil ochosientos cuarenta y seis.=Castillo Lanzas.=Excelentisimo Señor Gobernador del Departamento de Californias.=

Sacose de su registro dos dias despues de su otorgamiento para el representante de la compañia en estas dies foxas utiles de los sellos primero y cuarto que segun la ley corresponden siendo testigos á la saca y correccion de ella y de los documentos insertos los mismos instrumentales de que doy fé.

[Sello.] NAZARIO FUENTES.
E. N. P. [Rubric.

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Los Escribanos publicos que signamos y firmamos certificamos y damos fé que Don Nazario Fuentes es tambien Escribano Publico de esta Capital y el signo y firma que anteceden son suljos los mismos que usa y aconstumbra para autorizar los documentos que ante el pasan como tal Escribano fiel y legal á los que se han dado y dan entera fé y exedito. En fé de lo cual sentamos la presente que bá autorizada con el sello de Nuestro Nacional Colegio de Escribanos. Mexico á dies y nueve de Diciembre de mil ochosientos cuarenta y seis.

†
ROMULO DE ZEVALLOS.
[Rubric.]

†
ANDRES VELLIO MEJIA.
[Rubric.]

†
FRANco. VILLALON.
[Rubric.]

—

Jesus Vejar Escribano Publico en esta Ciudad.

Certifico y doy fé que á las cuatro firmas y signos con que se halla autorizado el presidente testimonio, de los Escribanos Don Nazario Fuentes, Don Romualdo de Zeballos, Don Francisco Villalon y Don Andres Vellio Mejia del Colegio Nacional de Mejico es de darseles todo fé y credito por que realmente cuando autorizaron y sellaron dicho testimonio han sido reconocidos y lo son como tales Escribanos en la Capital de esta Republica, como que en este oficio se ha hecho un uso legal de dichas firmas en actos que por ellas otras personas han otorgado.

Yá pedimento de los Señores Barron, Forbes y Compañia, doy el presente en Tepic á diez y ocho de Marzo de mil ochocientos cincuenta que dando por mi rubricada la foja en que constan las firmas.

†
JESUS VEJAR.
[Rubric.]

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El Alcalde 1°. Constitucional y Escribano Publico que firmamos Certificamos y damos fé que el Signo y firma que antecede autorizando el el presedente Certificado es, del Escribano Publico en esta Ciudad Don Jesus Vejar, quien se halla en el ejercicio de su profecion. Asi lo comprovamos en Tepic á diez y ocho de Marzo de mil ochocientos cincuenta.

LORETO CORONA.
[Rubric.]

†
EUSEBIO FERNANDEZ.
[Rubric.]



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CONSULATE OF THE UNITED STATES.

I, George W. P. Bissell, Consul of the United States of North America, for this district, hereby certify that the signatures attached to the foregoing Document, are in the true handwriting of the subscribers who legally hold the situations therein represented, and are worthy of all faith and credit.

In testimony whereof, I have hereunto set my hand and seal of office in the City of Tepic, this first day of December, in the year one thousand eight hundred and fifty.

[SEAL]

G. W. P. BISSELL,
U. S. Consul.

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## EXHIBIT NEGRETE No. 20, W. H. C.

SELLO PRIMERO [SELLO] OCHO PESOS.

*Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.*

CORREGIDO.
[Rubric.]

En la Ciudad de Mexico á diez y siete de Diciembre de mil ochosientos cuarenta y seis, ante mi el Escribano Publico y testigos, presente el Señor Don Andres Castillero, Capitan de Caballeria Permanente de esta vecindad, cuya persona mayor de edad doy fé conosco y dijo: que por el documento que presenta, consta que como dueño de una mina de plata con ley de oro y Azogue, ubicada en el rancho de Don José Reyes Berreyeza, en la jurisdiccion del Pueblo de San José de Guadalupe, del territorio de la Alta California, en el segundo Distrito de Monterrey, y cuya mina se conoce con el nombre de Santa Clara, celebró un contrato de compañia de dicha mina con los Señores Comandante general Don José Castro, Don Secundino Robles, y Don Teodoro Robles; asi como con el Reverendo Padre Fray José Maria del Refugio Suarez del Real, como cesionario perpetuo de sus consocios por cuatro barras de la mencionada mina, cuyo documento otorgado en la mision de Santa Clara á dos de Noviembre de mil ochosientos cuarenta y cinco, en copia sacada sacada del original que exciste en el Archibo del partido, autorizada por el Señor Don Manuel Castro y Don Antonio Maria Pico, doy fé tener á la vista en las citadas dos foxas utiles en papel comun. Que el relacionado Don José Castro su consocio, por sí y á nombre de los socios de la mencionada mina, otorgó en el puerto de Monterrey á los

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doce dias del mes de Junio del corriente año de mil ochosientos cuarenta y seis un poder especial pero amplio, á fabor del Presbitero Don Eugenio Macnamara, para que contrate con una compañia Ynglesa, que se hiciese cargo del laborio de las tres pertenencias, que á Castro y socois les corresponden en la espresada mina, con el objeto, de proporcionarle los avios y gastos necesarios para el aumento de la negociacion: todo con entera sugeccion á lo que para casos el presente disponen las ordenanzas de mineria. Que con tal autorizacion, el prenotado Señor Presbitero Don Eugenio Macnamara, en la Ciudad de Tepic, á veinte y ocho de Noviembre del corriente año de mil ochosientos cuarenta y seis, realizò el contrato para que fué autorizado con el Señor Don Alejandro Forbes, por si, y á nombre de la compañia Ynglesa que representa; reduciendolo á escritura publica, otorgada ante el Escribano Publico Don Panfilo Solis, cuyo tenor con el poder que justifica la representacion del Señor Macnamara es como sigue.=Corregido.=(Al margen).=Una rubrica.=Sigue la Escritura.

Escritura de Tepic. } En la ciudad de Tepic á veinte y ocho de Noviembre de mil ochosientos cuarenta y seis, ante mi el Escribano y testigos, el Presbitero Don Eugenio Macnamara, actual residente en este lugar dijo: que Don José Castro, vecino del Puerto de Monterrey, como socio en la mina de azogue que se halla en la comprehencion de Santa Clara, y á nombre de sus consocios, que le cedieron sus derechos para que contratase con una compañia Ynglesa la elavoracion de dicha mina, le confirió poder con este objeto, el cual otorgado ante cuatro testigos en dicho puerto, á doce de Junio del corriente año doy fé tener á la vista original en dos foxas y su tenor á la letra dice.

Poder } En El Puerto de Monterrey á los doce dias del mes de Junio de mil ochosientos cuarenta y seis. Yo José Castro con presencia de los testigos que al fin se nombraran: usando del derecho que me han otorgado mis socios, para celebrar cualequiera contrato que se pudiera ofrecer, con respecto á las tres pertenencias que por justos titulos y como descubridores tenemos en la mina de azogue, cituada en la comprehencion de Santa Clara, y favoreciendoles las ordenanzas de mineria y leyes concernientes, especialmente el Soberano decreto de siete de Octubre de mil ochosientos veinte y tres, para que se proporcione el grande provecho y utilidad, al lavorio de esta clase de minas, y siendo que poceen en la actualidad, la primera, unica, y principal por su ley que se ha descubierto en la Nacion Mexicana; y que no pudiendo el Gobierno, Supremo, darles los auxilios que les corresponden, por hallarse en una distancia inmenza y ultramarina, sin esperanza que este paiz por si mismo fomente este interesante ramo, por no tener ningunos fondos

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de que disponer, y sin encontrarse al mismo tiempo un facultativo mineralogico, ni haber brazos para el lavorio continuo que se requiere, para el adelanto en esta industria desconocida en este Departamento: ha convenido y conviene dar poder especial amplio, bastante, y por cuanto por derecho se requiera, mas pueda y deba valer, al Presbitero Don Eugenio Macnamara, para que representando su persona y la de sus socios, contrate con una compañia Ynglesa, con esclucion de cualquiera otra nacion, para que se haga cargo del laborio de las tres pertenencias de dicha mina por el tiempo de nueve años, con el fin de proporcionar los avios, hacer los gastos necesarios, y mantenerla en buen giro y con arreglo á las mencionadas ordenanzas de mineria, siendo los productos de las tres pertenencias de la mina, para los dueños una mitad, y la otra mitad para la compañia Ynglesa; y cuando no se pudiere convenir á ello, se ofrecerá á la compañia Ynglesa las dos terceras partes, para que los dueños reciban la otra tercera parte; entendiendose que la parte que corresponde á los dueños será libre de gastos, y sin aun en esto no hubiere convenio, se haran otras estipulaciones de acuerdo con Don Andres Castilleros para facilitar la realizacion de un contrato; y concluido el tiempo mencionado de nueve años, se prorogaran otros siete años mas, en los mismos terminos que se celebre la primera contrata, quedando la negociacion despues de todo este tiempo, á disposicion absoluta de los dueños de la mina; como tambien todos los materiales, fabricas, y demas pertenencias que á ella le corresponden, como maquinas y demas utiles adherentes á este beneficio, sin que por causa alguna tenga la compañia Ynglesa derecho á reclamar cualesquiera otra clase de gastos, que para su beneficio y propia utilidad llegare á originar.=Y á la firmeza y validacion de lo que en virtud de este poder se ejecutare, se obliga el otorgante en toda forma de derecho á su cumplimiento, y para lo cual se somete á los Señores Jueces que del caso deban conocer, en cuyo testimonio lo firmó con los cuatro testigos que lo son Don David Spence, Don Juan Malarin, Don Manuel Diaz y Don Antonio Maria Rio, en el dia mes y año ya mencionados.= José Castro.=David Spence.=Manuel Diaz.=Juan Malarin.= Antonio Maria Rio.

Sigue la Escritura de Tepic.

Que el inserto poder no le está revocado ni limitado en manera alguna; y que despues de haber solicitado con el mayor empeño, el negocio para que fué facultado, ha celebrado con el Señor Don Alejandro Forbes Subdito y Consul Britanico por si, y por sus socios en esta empresa, el contrato que espresan las siguientes condiciones.

1ª. Primera: el Señor Don Alejandro Forbes y sus socios, se hacen cargo del laborio de las tres pertenencias, que compre-

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henden dicha mina de azogue por el termino de diez y seis años, segun está facultado por el incerto poder, y sin que sea necesario el acuerdo de Don Andres Castillero, en razon de que este contrato está fuera de los limites para que fué autorizado el relacionante.

2ª. Segunda: Que el Señor Forbes y socios, estan en la obligacion de proporcionar los avios necesarios, erogar los gastos precisos y mantener la mina en buen giro, y con arreglo á las ordenanzas de mineria.

3ª. Tercera: Que de los productos de las tres pertenencias que comprehende la mina, percibirán dos terceras partes el Señor Forbes y sus socios, quedando la otra parte á favor de los dueños; sin que de ella se dedusca gasto alguno.

4ª. Cuarta: Que concluidos los diez y seis años de esta compañia, queda la negociacion á la disposicion absoluta de los dueños; asì como todos los materiales, fabricas, y demas pertenencias que á ella le correspondan, como maquinas y otros utiles anexos á la negociacion; y por ningun motivo, tendran derecho á reclamar, el Señor Forbes y sus socios, cualesquiera otra clase de gastos que para su beneficio y propia utilidad lleguen á originarse.

Presente el Señor Don Alejandro Forbes, cuya persona doy fé conosco, por si y como representante de los demas accionistas en este asunto, é impuesto de las anteriores condiciones del poder incerto dijo: que aquellas estan arregladas en un todo á los terminos con que ha celebrado este negocio. Ambos otorgantes manifestaron: que este contrato queda celebrado bajo las condiciones estipuladas, que se obligan á observar y cumplir religiosamente, sin interpretacion, y á no reclamar esta Escritura en todo, ni en parte; y el que faltare será estrechado á su observancia por la via ejecutiva, asi como al pago de los perjuicios y gastos que se originen, cuyo monto defieren en la relacion jurada de quien sea parte, sin otra prueba de que se relevan, aunque se requiera de derecho. Y á la firmeza de todo lo referido, obligan los otorgantes sus bienes, y los de los socios de la mina, y del Señor Forbes, y los someten á la jurisdiccion de los Señores Jueces que de sus causas deban conocer, para que á su cumplimiento los estrechen, como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada. Asi lo otorgaron y firmaron siendo testigos los Ciudadanos Nicolas Figueroa, Manuel Covarrubias y Luis Villalbazo presentes y vecinos doy fé.=Eugenio Macnamara.=Alejandro Forbes.=Panfilo Solis.=Sacose de su registro hoy dia de su otorgamiento en estas cuatro foxas del papel correspondiente: doy fé.=Un signo.=Panfilo Solis, Escribano Publico.

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Concluye la escritura de Mexico.

Concuerda la anterior Escritura, con la copia original que en cuatro foxas utiles, de sellos primero y cuarto, doy fé tener á la vista. El prenotado Señor Don Andres Castillero continuo diciendo; que en la mas solemne forma que haya lugar en derecho, otorga: que se obliga á cumplir por su parte excacta y religiosamente, como uno de los socios contratantes con el Señor Forbes, todo cuanto contiene la Escritura inserta, que aprueba y ratifica en todas sus partes; queriendo se le tenga desde este momento, por uno de los obligados al cumplimiento de su literal tenor.

Desde hoy hasta cumplidos los dies y seis años del contrato, se obliga, y á sus herederos y succesores, á no reclamar cosa alguna contra la Escritura inserta; pero si lo hiciere, quiere no ser oido en juicio ni fuera de él.

Cede en favor del avio, y por los diez y seis años de la contrata, los dos citios de ganado mayor de que el Supremo Gobierno le tiene hecha gracia, segun consta por el documento oficial que presenta para que quede copiado al final de la presente Escritura, y salga inserto en las copias que de ellas se espidan.

Y por cuanto á la falta de solemnidad que pueda notarse en el poder inserto, en la Escritura que vá copiada en la presente, se obliga á recabar el esplicito consentimiento de sus consocios, que ractificaran la presente Escritura para quitar las dudas que puedan ocurrir, á cerca de la representacion del Padre Don Eugenio Macnamara, por los consocios del Señor Castro y del que habla. Declara igualmente, que está anuente, en que el contrato de que habla esta Escritura no tenga efecto, hasta que la compañia Ynglesa, se halle en quieta, y pasifica posecion de la mina á que se refiere.

Con cuyas calidades y condiciones, el prenominado Señor Castillero, se obliga por su parte al cumplimiento de cuanto queda dicho; y asegura que para el otorgamiento de la presente Escritura no ha sido engañado; sino antes le es util á sus intereses, y que en el, no hay mas condiciones que las esprezadas, ni el convenio envuelve lesion ni usura de ninguna especie, como lo jura por Dios y la Señal de la Cruz; pero si alguna resultare, del exceso, le hace gracia y donacion á la compañia Ynglesa, pura, perfecta é irrevocable, con insinuacion y renunciacion de la Ley segunda. titulo primero libro diez de la Novisima Recopilacion.

Desde hoy hasta cumplidos los dies y seis años del contrato; y reservandose unicamente los derechos, que por el dominio y propiedad le pertenecen del de posecion y demas que tenga, se desapodera quita y aparta, asi como á sus herederos, y todos los cede, renuncia y traspasa en el relacionado Señor Forbes, como representante de la compañia Ynglesa, á quien por la pre-

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sente le confiere amplio poder y facultad bastante, constituyendole procurador en su propia causa, para que con sugeccion á las ordenanzas de mineria, y con total arreglo á la presente Escritura, se aproveche la compañia, de los productos, que con arreglo á la misma le pertenecen, practicando todo lo demas para que está facultada.

Se obliga á la eviccion, seguridad, y saneamiento de este contrato, que por su parte asegura le será cierto y seguro, y que por el no se le movera pleito; pero si alguno resultare, de su cuenta lo seguirá, hasta dejar á la compañia, en quieta y pacifica posecion; lo que si no lograre, le pagará todos los daños y perjuicios, con las costas procesales y personales que se causen. Se sugeta al tenor literal de la Ley primera, titulo primero libro diez de la Novisima Recopilacion, cuyo contenido sabe, y quiere se le tenga por obligado al cumplimiento de la presente escritura.

Y siendo presente el Señor Don Francisco Martinez Negrete, de esta vecindad, cuya persona mayor de edad doy fé conosco, é impuesto del contenido de esta Escritura dijo: que teniendo orden espresa, y facultad bastante, por el Señor Don Alejandro Forbes, á su nombre y el de la compañia Ynglesa, acepta este instrumento, dando por contentos y satisfechos, á los interezados en ella. El varias veces dicho, el Señor Don Andres Castillero, al cumplimiento de cuanto queda espuesto, obliga su persona y bienes presentes y futuros, y con ellos se somete al fuero y jurisdiccion de los Señores Jueces, que de sus causas conforme á derecho, puedan y deban conocer, para que á ello lo compelan y apremien, como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada: renuncia su domicilio y vecindad, con la general del derecho y la que prohive su general renunciacion. Y por ante mi, asi lo otorgó y firmó con el Señor Negrete, siendo testigos Don Manuel Terrazas, Don Octaviano de la Rosa, y Don Manuel Barron presentes y vecinos doy fé.=Andres Castillero.=Francisco Martinez Negrete.=Nazario Fuentes, Escribano Nacional y Publico.

Certificado. } Certifico y doy fé: que el documento oficial de que se habla en la anterior Escritura es del tenor siguiente.=Al Margen. Ministerio de Relaciones, Gobernacion y Policia=Excelentisimo Señor.=El Excelentisimo é Ylustrisimo Señor Ministro de Justicia en oficio de veinte del corriente me dice lo que copio.=Excelentisimo Señor=Hoy digo al Excelentisimo Señor Don Vicente Segura, Presidente de la junta de fomento de Mineria lo siguiente.=Excelentisimo Senor.=Habiendo dado cuenta al Excelentisimo Señor Presidente Ynterino con la Nota de V. E. de catorce del presente, á que se sirvió acompañarme con recomendacion, la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha

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descubierto en la mision de Santa Clara en la Alta California; se ha servido Su Excelencia aprobar en todas sus partes el convenio celebrado con dicho individuo, para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones exteriores y Gobernacion, para que libre las ordenes oportunas por lo respectivo á lo que contiene la Octava proposicion, relativa á la consecion de terrenos en aquel Departamento.=Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del Señor Castillero, á que ha tenido á bien acceder el Excelentisimo Señor Presidente interino sobre que como colono se le conceda dos citios de ganado mayor sobre el terreno de su posecion minera, se sirva V. E. librar las ordenes de que se trata.=Reitero á V. E. eccetera.=Y lo Participo á V. E. para que con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, ponga al Señor Castillero en posecion de los dos citios que se mencionan.=Dios y libertad Mexico Mayo veinte y tres de mil ochosientos cuarenta y seis.=Castillo Lanzas.=Excelentisimo Señor Gobernador del Departamento de Californias.=Un signo.=Nazario Fuentes.—E. N. P.

Escrito. } Don Andres Castillero y Don Francisco Martinez Negrete como corresponsal del Señor Don Alejandro Forbes, Consul de Su Magestad Britanica, residente en Tepic, ante Usted con el debido respeto decimos: que el diez y siete de Diciembre del año procsimo pasado, otorgamos ante el Escribano Don Nazario Fuentes dos Escrituras, una de venta de una accion en la mina de San José de Guadalupe, en el Distrito de Monterrey en la Alta California, conocida con el nombre de Santa Clara, y otra de compañia en dicha mina. Y teniendo orden del Señor Forbes para pedir otra copia autentica de dichos instrumentos, como que en ellos intervine (yó Negrete) por el Señor Forbes. =A Usted suplico: se sirva mandar, que el citado Escribano en cuyo protocolo existen tales documentos, dé las copias que se piden, en manera que haga fè: pedimos Justicia jurando lo necesario ecsetero.=Francisco Martinez Negrete.=Andres Castillero.

Auto. } Mexico Febrero tres de mil ochocientos cuarenta y siete.=Por presentado, como lo piden, dandose por el Escribano las copias para que obren los efectos que haya lugar. Lo proveyó el Señor Juez suplente del Juzgado primero de lo civil, Licenciado Don Juan Hierro y lo firmó: doy fé.=Hierro. =Nazario Fuentes.

Notificacion } En la misma fecha presente en su casa el Señor Don Andres Castillero, le hise saber el anterior auto, de que impuesto dijo lo oye, y firmó: doy fé.=Andres Castillero. =Nazario Fuentes.

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Otra. } En igual fecha, presente en la casa de su morada el Señor Don Francisco Martinez Negrete, le hise saber el anterior auto, é impuesto dijo lo oye y firmó por ante mi de que doy fé.=Martinez Negrete.=Nazario Fuentes. Entre renglones dice.=Publico.=Vale.

Concuerda la anterior segunda copia y certificado, con los originales que obran en mi protocolo de instrumentos Publicos, de donde se sacó, á pedimento de los Señores Don Francisco Martinez Negrete, por el Señor Don Alejandro Forbes, y Don Andres Castillero; y en cumplimiento de lo mandado por el Señor Juez primeno de lo civil, segun (illegible) escrito y auto preinsertos; y bá en estas trece foxas utiles de los sellos que segun la ley corresponde siendo testigos á su saca y correccion que se verificó hoy cuatro de Febrero de mil ochocientos cuarenta y siete, Don Manuel Terrazas, Don Francisco Teran y Don Manuel Barron, presentes y vecinos doy fé.

†
NAZARIO FUENTES.
E. N. P. [Rubric.]

[Sello.] Los Escribanos Publicos que signamos y firmamos certificamos y daos fé que nuestro compañero Don Nazario Fuentes por quien bá autoriz ada la anterior copia es tambien Escribano Publico de esta Capital, y el signo y firma que anteceden son de su puño y letra los mismos que una y aconstumbra para autorizar los documentos que ante el pasan, y á los que se ha dado y dá entera fé y credito. En fé de lo cual sentamos la presente que bá autorizada con el sello de nuestro Nacional Colegio de Escribanos de que es miembro tambien el espresado Fuentes. Mexico seis de Febrero de mil ochocientos cuarenta y siete.

† †
MARº. CABEZA De VACA. [Rubric.] MIGUEL ARISTEGUI. [Rubric.]

†
FRANCº. VILLALON.
[Rubric.]



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TRANSLATION EXHIBIT NEGRETE No. 1.

Pd.

Señor Don Donato Manterola,

MEXICO, Dec. 18, 1846.

My Esteemed Friend:—I beg of you to order to be delivered to Don Andres Castillero, the sum of four thousand dollars for account of D. Alexander Forbes, charging the same to the account of your sincere friend.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

Received,

ANDRES CASTILLERO.
[Rubric.]

—

TRANSLATION EXHIBIT NEGRETE No. 2.

Pd.

Señor Don Donato Manterola,

At home, MEXICO, Dec. 22, 1846.

My Esteemed Friend:—I beg of you to order to be delivered to Señor Don Nasario Fuentes, the sum of one hundred and thirty-seven dollars and twenty-five cents, for account of the Sres. Barron, Forbes & Co., charging the same to the account of your sincere friend.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

Received on the above date,

NASARIO FUENTES.
[Rubric.]

—

TRANSLATION EXHIBIT NEGRETE No. 3.

Pd.

Señor Don Donato Manterola,

At home, MEXICO, February 6, 1847.

My Esteemed Friend:—I beg of you to have the kindness to order the payment of the sum of seventy-five dollars to the Señor D. Nasario Fuentes, charging the same to the account of your sincere friend.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

Received,

NASARIO FUENTES.
[Rubric.]

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## TRANSLATION EXHIBIT NEGRETE No. 4.

Señor Don Alexander Forbes:

MEXICO, December 5, 1846.

My Esteemed Friend:—Pursuant to the contents of your favors, dated 24th ultimo, I have spoken to Señor Castillero, in the terms which you express yourself in one of them, and he has promised to think over the business and bring me his propositions to-day, and also the document of the ownership of the mine, which he has in his possession. It is now eight o'clock at night, and he has not brought his proposals, from which I understand that he has not been able to finish them, and should it be so, they will be sent to you by next mail by

Your affectionate friend and servant,

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

Postscript.

After having signed the above, Señor Castillero has come to bring me the contract of partnership in the mine, with a copy of the original, which I transmit, as I have not time to make a second copy. You will observe the simplicity of that document, and that it is wanting in explanation. By article second, none of the associates can alienate his share. Señor Castillero says that he drew up this article to prevent his partners from disposing of any share (barra) to the North Americans. He has also handed to me the letter, the original of which I send you, to the end that, having informed yourself of their contents, you may communicate to me your orders in the terms you may think proper. According to Señor Castillero the half of the proceeds belongs to the supplier (aviador) of a mine. You, in view of the contents of the contract, and of the proposals which he makes me in the letter he addresses me, can decide upon what is most expedient, assured that on my part I will carry out your orders as far as possible. Said Señor Castillero places much value on the Island of Santa Cruz, which is his property. He says it is thirty-two leagues in circumference, with a harbor, plenty of fish, timber and fresh water. He is disposed to sell it rather than have it taken from him by the Yankees. It is distant four leagues from the port of Santa Barbara, and he considers that it would be of much importance to England should the United States take possession of the Californias. If you are inclined to the purchase, inform yourself of all this attentively.

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The mail is about to close, and without time to say more, I remain your affectionate friend and servant,

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Addressed]

Sr. Don Alexander Forbes, Tepic.

—

## TRANSLATION EXHIBIT NEGRETE No. 5.

Señor Don Alexander Forbes:

MEXICO, December 9, 1846.

My Esteemed Friend:—Don Andres Castillero delivered to me, just as the last mail was leaving, a copy of the papers of the mine in Upper California, already known, and a letter addressed to myself on the subject of the terms on which it would suit him to enter into a contract with you. That you may carry this business into effect, it is requisite to make it sure that it be done in a manner which shall leave no room for disputes afterwards; and as the said documents sent to you in my letter of the 5th, furnish some information, it would be well to submit the business to the judgment and opinion of a good lawyer, who would draw up the conditions in conformity to the ordinances of mining and the existing laws. With that and the instructions you may give me, I would do everything else here which I may be ordered. Señor Castillero appears to be a sedate person, and he manifests a great desire to have that negotiation placed under the protection of the English flag, as the only means of securing that property, in which he owns twelve shares (barras), having ceded the other twelve, out of consideration to the persons who now own them.

I had written thus far when I received past due, through the English Minister, your esteemed letter of date 28th ult., and in view of its contents, I have spoken with Señor Castillero again on the subject of the negotiation of the quicksilver mines, and find him entirely willing that the half of the mine which belongs to him be supplied or habilitated (se refaccione ó habilite), or to sell four shares (barras) as may appear best, on account of the interest which he feels in defending this negotiation under the protection of the British flag. Seeing him so very well inclined, and desiring to acquire information regarding the value of the shares, I have resolved not to enter into any complete arrangement before speaking first with Father MacNamara; neither has it seemed to me proper to disclose

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that I know of the contract you have made there, until the arrival of the Father, and I have a conference with him, and it be seen whether it will not be better that he himself inform Castillero of said contract, which I have read carefully, and find that it has not all the formalities prescribed by the laws, because, by the power of attorney granted by Señor Castro, there should have been inserted the powers which were given to him by the other two parties interested, Father Real and Robles. I would have been glad that you had fixed some starting point for me, as I find myself in the dark and unable to form any opinion as to the value of each share; but let it be what it may, and whatever may be the opinion of Father MacNamara, I will not go beyond the price of fifteen hundred dollars, or at the utmost seven thousand dollars for the four shares which Señor Castillero is disposed to sell, as appears from the letter which he has addressed to me to-night, a copy of which I enclose. I shall inquire of said Father what price Don Diego Forbes gave for the two shares which you refer me to as a guide, you to remember that should said price be more than two thousand dollars each, I will suspend the purchase till I receive further orders from you; as, in truth, not being a miner nor inclined to that branch of business, my flesh quakes at merely thinking of the precarious nature of those negotiations and their results, etc.

I am, your affectionate friend and servant, who kisses your hand,

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

[Enclosed.]

Senor Don Francisco Nartinez Negrete.—At your house, Dec. 9, 1846.—Esteemed and Respected Sir.—To the proposals which this morning you were pleased to communicate to me regarding the quicksilver mine, I will say to you briefly, that you may assure to Señor Don Alexander Forbes the sale of four shares, and that to conclude the contract, I only await the arrival of Father MacNamara, so that, in view of the power of attorney, more validity may be given to the instrument, and we may make arrangement of all the matters of the company. The Board of Encouragement (Junta de Fomento) offers me one distilling apparatus for quicksilver, of the two which it has ordered from England, and two thousand flasks which it has in Tasco, which appears to be important news for our business.—I am, etc.,

ANDRES CASTILLERO.

[Addressed]

Sr. Don Alexander Forbes, Tepic.

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## TRANSLATION EXHIBIT NEGRETE No. 6.

Señor Don Alexander Forbes.

MEXICO, December 12, 1846.

My Much Esteemed Friend:—I have given orders at the stage office to inform me immediately when the Father MacNamara shall arrive. I do not believe that he has arrived by to-day's stage, because if he had they would have sent me word. As the business which you have on hand is of great magnitude as I conceive, and as its success depends entirely on Señor Castillero, I intend to submit its arrangement, to be made in conformity with the requirements of the laws, to a lawyer in whom I have all confidence; as in such cases it is better to spend at the beginning five hundred dollars than to have a lawsuit afterwards when the negotiation is fully established and productive. In whatever way it may be done, this business will be managed in the best possible manner.

I am neither a miner, nor do I like the business. From the beginning Señor Castillero offered me two shares (barras) which I declined. Relying upon your consent, I might perhaps take one share for some friends, but this like all the rest would go into the reliabilitating "avio." In that manner, if the parties interested should not make great profits, they would know that at most they would lose only what the share might cost.

Wishing you good health, I remain your obd't serv't, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

[Addressed]

Sr. Don Alexander Forbes, Consul, &c., Tepic.

—

## TRANSLATION EXHIBIT NEGRETE No. 7.

Señor Don Alexander Forbes.

MEXICO, December 16, 1846.

My Esteemed Friend:—The Presbyter MacNamara arrived here on the 12th, by the stage, and yesterday the 15th he was in my house for about a couple of hours, from twelve o'clock, when we talked particularly about the business of the mine in California, and what should be done as regards Señor Castil ero. To-day at eleven o'clock we meet again together

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with Señor Castillero, and a lawyer in whom I have entire confidence, that he may be informed of what may be discussed, and draw up the articles of our agreement in conformity to law, or in the best manner possible. I have instructed him regarding all the essential points of the transaction by means of extracts of your letters; that is, of such portions of them as favor our position, so as to treat on the conditions which may be most favorable to your interests, considering the present condition of the business, and I will inform you of the result of the whole, either in this letter or separately; but I anticipate these lines in case I should not have time.

The measures you have adopted in regard to the vessel which carries the cotton, are in my opinion very proper, and were even indispensable.

By to-morrow's mail I expect to receive accounts from Madrazo and Palacio, of the result of the fair, and although all complain bitterly, I am sure that they must have sold all the stock from that factory, notwithstanding the Yankee wagons which came from Santa Fé, which were allowed to enter San Juan without any difficulty. The Supreme Government is inclined to prosecute the war, and it is believed that the national representation is of the same mind; and such being the case there will naturally follow a formal declaration prohibiting all communication with the North Americans, and even expelling those residing in the country, as was done with the French. The English courier has arrived; till now I have received no letter from my *compadre*, although I have received others. I hope to get it to-morrow.

I am your affectionate friend and obedient servant,

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

P. S.—Señor Castillero desires you to protect his island, and for this purpose he has addressed me the inclosed letter which I recommend to your attention.

[Rubric.]

[Enclosed.]

Señor Don Francisco Martinez Negrete:

HOME, December 16, 1846.

Esteemed and Respected Sir:—I will thank you much to recommend to Señor Don Alexandro Forbes that on taking possession of the quicksilver mine, my Island of Santa Cruz, situated in front of Santa Barbara, may also appear as an English possession. Being distant only four leagues from the

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coast, it is a very important possession on account of the abundance of water and timber, and its good harbor. To English vessels and even to the Company it may be of service on account of its absolute independence of the whole country.

Excuse me for repeating my request, and I remain always your most obedient servant, who kisses your hand.

ANDRES CASTILLERO.
[Rubric.]

[Addressed]

Sr. Don Alexander Forbes, Consul, &c., Tepic.

—

## TRANSLATION EXHIBIT NEGRETE No. 8.

Señor Don Alexander Forbes.

MEXICO, December 16, 1846.

My Esteemed Friend:—At last, to-day, a little after eleven o'clock, the Presbyter Don Eugenio MacNamara, Don Andres Castillero, myself, and Señor Don José Antonio Romero, met together to arrange the final result of the business of the mine, and, as we had to deal with matters of law, I considered it proper that Señor Romero should attend, and certainly in this I was not mistaken, as he was of great service to me in the conference, and in the illustration of some points, and besides he sustained and elucidated my ideas with the skill, wisdom, and experience which he has acquired from his practice in the management of affairs, so that had he not been so well informed on the subject, relating to which we had already held various meetings, and fixed the starting points, and noted the flanks on which we might be approached, probably the desired results would not have been obtained.

Señor Castillero, then, conforms to the contract executed in Tepic by his associates, and takes part in it also for his twelve shares in the mine, and after various debates, he decided to sell you four shares. Having agreed upon this, I requested him to cede to me another share for two friends (who are your friends also), and he acceded, stating that my mediation and the regard he professed for me were sufficient motives for him to accede to my request. Thus it is that I have contracted for the five shares, at $800 each, making in all $4000, which I shall pay over as soon as the contract is made out, it being understood that although the $800 of the share for the two

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friends shall be paid by them, this shall be included in the avio agreeably to the contract which you made in Tepic.

Besides this instrument there will be executed another for the avio for the part belonging to Señor Castillero. Señor Romero has taken a note of all the points, so as to order the instruments to be drawn up in such a manner that you shall have no disputes afterwards. Señor Castillero engages that his associates will consent to the sale of these shares; and if they do not, he will pay you their cost out of the proceeds of the twelve shares belonging to him.

He has in his possession the title paper of the Government, by which is granted to him in the mining district (mineral) two leagues of land in circumference, which he has ceded for the benefit of the negotiation for the sixteen years of your contract. He has assured us that the Junta for the Encouragement of Mining has entreated him to sell it some share, but that he declined, and I have told him that for no reason nor consideration ought he to alienate any more shares, as in such case you should be preferred. I believe that I have acted and worked for your best interest, and if after this you obtain the advantages you propose to yourself in this enterprise, my gratification will be doubled.

By next mail I will send you the documents (escrituras) and give you any other details which at present I may have forgotten.

I am, your affectionate friend and obd't serv't, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Addressed]

Sr. Don Alexander Forbes, Tepic.

—

## TRANSLATION EXHIBIT NEGRETE NO. 9.

Señor Don Alexander Forbes:

MEXICO, December 18, 1846.

My much esteemed Friend:—Conformably to what I expressed to you in my last letter, there have been drawn up the writings (escrituros) of the treaty between Don Andres Castillero as the owner of the half of the quicksilver mine, and myself as your representative, the originals of which were signed yesterday by both, after having acquainted ourselves thoroughly with

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their contents, and in the presence of Father MacNamara, who was of opinion that they were expressed in the best terms for your interests, and for this purpose, the points having been stated, our lawyer superintended the drawing up of the documents and other matters connected with it, because being myself no lawyer, I desired to have the assistance of one, as this would prevent differences and disputes afterwards. I have been promised the legalized copies of the documents (testimonios) to-day, and shall transmit them with this letter, together with the instrument which you executed there, and the document showing the grant which the Supreme Government made in favor of Don Andres Castillero for two leagues of land at the place where the mine is situated, and which he cedes for your benefit for the term of sixteen years.

After having made the contract with said Castillero, and not having been able to obtain from him more than four shares for you, I requested him to cede to me one share for two friends of mine, and he acceded to it immediately, as is shown by the inclosed letter addressed to you by said Castillero. I wish to have that share for my nephew, Don Francisco Maria Ortiz and Don Martin Lapiedra, in consideration of the first having indicated to me that a small interest in that business would make them happy, and I have desired on my part to gratify them in the belief that you wish to do the same, as I know the regard and other considerations which you entertain for them. As a matter of course this share is to be included in the avio of the company, conformably with the contract made. According to the statements of Castillero, that mine is the richest in the world, and he surely says so in sincerity, for I take him to be a man of strict morality and probity. He expresses himself to the effect that the contract is very favorable to you, and says that my mediation facilitated it more than would that of any other person. Be this as it may, after having done my duty, my satisfaction will be much greater when I know that by this means your fortune, and that of your respectable house, has been increased.

Señor Castillero has promised to give me a certified copy from the Mining Tribunal of all the concessions which it made to him, when on the proofs given by the Professional Board (*Junta Facultativa*) it engaged to favor the mine, but which it did not do, because the Government seized upon the funds.

At the end of this letter is a statement of the capital and expenses of the whole, with the only difference that the Señores Ortiz and Lapiedra will make good to you the eight hundred dollars which they have to pay for their share.

I have not received the two instruments which I have mentioned, but I remit the other documents.

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I have paid to Señor Castillero $4,000, yesterday, which I have charged to your house, $120 exchange at 2 per cent., making $4120, of which my house in Guadalajara will duly advise.

By next mail, a note of the other expenses will be sent by

Your affectionate friend and obd't serv't

Who kisses your hand,

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

—

## TRANSLATION EXHIBIT NEGRETE NO. 10.

Señor Don Alexander Forbes:

MEXICO, December 19, 1846.

My Esteemed Friend:—Immediately after having put into the post office the package addressed to you separately, there have been delivered to me the two instruments mentioned in it, and which I have the pleasure to transmit to you herewith.

Your affectionate friend and obd't serv't,

Who kisses your hand,

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

—

## TRANSLATION EXHIBIT NEGRETE No. 11.

Señor Don Alexander Forbes:

Tepic. MEXICO, December 26, 1846.

My Esteemed Friend:—I reply to your favor, dated 15th instant, saying that by the writings which I have sent you, you will see that no circumstance has been omitted of those which we believed were to your advantage, and, among them, was observed that of the quiet and peaceable possession, to which is equivalent the expression of eviction and warranty; but for greater security still, a clause to this effect was inserted. It appears to me that in law nothing more could have been done than was done; nevertheless, please tell me frankly your opinion, because should anything have been omitted, it can be remedied, as Sõr. Castillero appears to act with much deference toward me; and this will expedite anything.

In fact, Sor. Castillero expressed himself in the same terms which you mention, namely, that his associates could not sell, but that he could. Notwithstanding that he insisted on the shares being appraised by experts according to what he had

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proposed, still, I thought it best not to leave anything in suspense, and our lawyer was of the same opinion, more especially as the price of the shares appeared to us to be moderate, in view of our having heard that in other mines, the assays of which had not yielded more than five per cent., two thousand dollars had been asked for one share (barra). In conclusion, on this point nothing more should be said, whether well or ill done.

I have a very great desire to have in my garden at San Pedro a couple of mango trees growing, and I confide in you that you will furnish me with them, and that in such case you will forward them to my nephew, Ortiz, now that the proper season for planting is approaching.

You will have been informed by Ortiz that at San Juan all the goods from your factory were sold.

By Don Ricardo Howard I sent you two pamphlets which treat of quicksilver mines.

I am, your affectionate friend and obedient servant, who kisses your hand,

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Addressed.]

Sr. Don Alexander Forbes, Tepic.

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## TRANSLATION EXHIBIT NEGRETE No. 12.

Señor Don Alexander Forbes:

MEXICO, January 2, 1847.

My Esteemed Friend: I reply to the contents of your favor of the 22d ultimo, ratifying the contents of my last communications, by which you will have informed yourself of every thing relating to your mining business.

I shall inquire of Señor Castillero what price is asked for empty quicksilver flasks, although my opinion at present is that it will be more advantageous to purchase them thereabouts, as if sent from here, the carriage would make them come very high.

In truth, I am not inclined to mining, and for this reason I am afraid to enter into that transaction, notwithstanding that the accounts from it are so highly flattering.

May you enjoy good health, and command your affectionate friend and obd't serv't.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Addressed.]

Sr. Don Alexander Forbes, Consul, &c., Tepic.

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## TRANSLATION EXHIBIT NEGRETE No. 13.

Señor Don Alexander Forbes:

Tepic. MEXICO, January 6th, 1847.

My Dear Friend:—I have before me the contents of your two favors of the 26th ultimo, and I congratulate myself that my treaty with Señor Castillero has merited your approbation, the documents of which you will have received by the succeeding mail, and although I am persuaded that they are drawn up with all the neccssary formalities, nevertheless should you discover any omission, let me know and it will be easily remedied; from the deference which Señor Castillero shows to me, and because I perceive in him a stock of nobleness and probity. From the same documents you will have learned that the value of the shares purchased from Castillero is secured by his other shares in the mine. I shall talk to him about the other matters contained in your said letters.

I sincerely congratulate you for the very timely arrival of your vessel, at which I have rejoiced as much as yourself, for you know that I feel as deep an interest in your affairs as I do in my own. Let us then give thanks to God who protects us so much, and now what above all concerns us is to take advantage of present circumstances and procure the sale of the products of Janja without losing a moment, on which subject I write also to Ortiz.

I understand that the naval forces of the United States will take possession of Mazatlan, from what I have heard to-day from our Don Guillermo, and I am beginning to believe that those people aspire to the conquest of Mexico, or at least to the greater portion of its territory—the best and most important.

I wish you good health, and remain your very affectionate friend, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

P. S.—For your government, I inform you that in September, there sailed from New Orleans a ship loaded with cotton and some groceries as ballast, bound for San Blas; and as she is a fast sailer, it is believed she will arrive in all this present month. Her cargo cannot be less than from four to five thousand quintals.

[Addressed.]

Sr. Don Alexander Forbes, Tepic.

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## TRANSLATION EXHIBIT NEGRETE No. 14.

Señor Don Alexander Forbes:

Tepic. MEXICO, January 9, 1847.

My much Esteemed Friend:—By your favor dated 29th ult., I notice with pleasure that you had in your possession the before mentioned documents, and I believe that on a close examination you will find them to be in order. I shall mention your indications to Castillero, and according to his opinion the principal habilitation for the mine should consist of goods of the country, mostly domestic cottons and brown sugar, which articles he noted in the report which I transmitted to you in one of my former letters.

About the end of September there sailed from New Orleans, bound for San Blas, a ship loaded with cotton, and I do not know whether the cargo belongs to Rubio or Drusina.

Without any other particular matter to communicate, I remain your affectionate friend and obedient servant, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

—

## TRANSLATION EXHIBIT NEGRETE No. 15.

Señor Don Alexander Forbes:

Tepic. MEXICO, February 6, 1846.

My Esteemed Friend:—Immediately on the receipt of your favor of the 26th ult., I ordered to be delivered to Don Andres Castillero the letter which you inclosed for him, and I had no opportunity of seeing him, as he was on the point of setting out on his journey to Celaya. When I made the contract with him for the before-mentioned quicksilver mine, I did not fail to tell him that you would transact the business of the habilitacion, and receive and dispose of the products, charging a commission of 3 or 5 per cent, with which he was entirely satisfied; and although that circumstance is not expressed in the contract, it is because it is understood as a natural consequence, not required to be mentioned in the writing; and it is also very beneficial to the company, because in any other manner, and the products being divided, the parties interested would be greatly injured in their sale. If Castillero were here, I would exact

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from him a letter certifying to this in writing; but being such an upright person, he will give it at any time. Castillero told me that it would not be extraordinary if you obtained for a very moderate price, the four shares belonging to Sōr Castro, because while he is frank and of refined manners, he is at the same time a great spendthrift and thrower away of money, and for this reason he believes that he is in straightened circumstances.

If the authenticated documents are brought to me before closing this letter, I will inclose them, otherwise they shall be sent by next mail.

Without any other particular, I remain your affectionate friend and obedient servant, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

—

TRANSLATION EXHIBIT NEGRETE No. 16.

Señor Don Alexander Forbes:

Tepic. MEXICO, February 6, 1847.

My Dear Friend:—I have written you a separate letter, and with this I have the pleasure to transmit the inclosed documents, and also the receipt for their cost, which amounted to the sum of seventy-five dollars, which you will credit to my house in Guadalajara.

I am, your affectionate friend and obedient servant, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

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## TRANSLATION EXHIBIT NEGRETE No. 17.

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### Notary Public's Office of Juan Navarro.

*Certificate issued with literal copy of two public Instruments executed in the year* 1846, *before the Notary Public Don Nazario Fuentes, as expressed within.—Mexico,* 1859.

[STAMP] [SEAL]

I, Juan Navarro, Notary Public and of the Nation, enrolled in its National College, and of the Number of this Capital,

Do certify and give faith by these presents, that by reason of the decease of the Notary, Nazario Fuentes, the books of protocols of public instruments, which were executed before him, remained in my possession and under my custody and responsibility, the same which I preserve legally in my office. I likewise certify that among them there exists a protocol book, bound and stitched together, of stamped paper, of the kind used for deeds and other public instruments, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven, consisting of one hundred and twenty-one leaves, in which appear the originals of the public instruments executed before the aforesaid deceased Notary Nazario Fuentes, and the customary instrumental witnesses, which book is entitled "Year 1846.—Protocol of Public Instruments of the Notary Nazario Fuentes."

I certify in like manner, that on the front of the first leaf of said book, and before the commencement of the first public instrument, which was a power of attorney executed by Doña Merced Sardi on the eighth of January, eighteen hundred and forty-six, in favor of Don Francisco Cortes for the sale of real estate in the city of Guadalajara, there appears the following note authenticated by and bearing the signo of said Nazario Fuentes, which states:—"Protocol of public instruments for the year 1846, belonging to the Notary Public who signs and attaches his signo. I give faith that it begins to-day at this date.—Signo here.—Nazario Fuentes."

I likewise certify, that in said book there exists a public instrument executed before the said Notary Nazario Fuentes, which is in the following words and form:

"At the City of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor D. Andres Castillero, Captain of Permanent Cavalry, resident of this city,

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whose person, being of age, I certify that I know, and he said: That from the document which he presents, it appears that, as the owner of a mine of silver with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo of San Jose Guadalupe, of the territory of Upper California, in the Second District of Monterey, and which mine is known by the name of Santa Clara, he executed a contract of copartnership in said mine with the Señores the Commandant General Don José Castro, Don Secundino Robles, and Don Teodoro Robles, and likewise with the Rev. Father Friar José Maria del Refugio Suarez del Real, as perpetual donee of his copartners of four shares (barras) in the aforesaid mine; which document, executed in the Mission of Santa Clara on the second day of November, one thousand eight hundred and forty-five, in copy taken from the original which exists in the Archives of the District, authenticated by Don Manuel Castro and Don Antonio Maria Pico, I certify that I have before me, in the said two useful leaves of common paper. That the said Don José Castro, his copartner, for himself, and in the name of the other partners in said mine, executed, in the port of Monterey, the twelfth day of June of the current year one thousand eight hundred and forty-six, a special but full power of attorney in favor of the Presbyter Don Eugenio Macnamara, that he might contract with an English company that should undertake the working of the three pertenencias which belong to Castro and his partners in said mine, with the object of furnishing the necessary supplies and funds for the increase of the negotiation, all in entire conformity with what is prescribed for like cases in the Mining Ordinances. That with such authorization the said Presbyter Don Eugenio Macnamara, in the City of Tepic, the twenty-eighth day of November of the current year one thousand eight hundred and forty-six, effected the contract for which he was empowered, with Señor Don Alexandro Forbes, for himself and in the name of the English company which he represents, reducing the same to a public instrument, executed in the presence of the Notary Public Don Pánfilo Solis, the contents of which, and the power of attorney authorizing the representation of Señor Macnamara, are as follows:—Corrected (on the margin)—A rubric—The instrument follows—On the margin—Instrument of Tepic—The instrument follows—"At the City of Tepic, the twenty-eighth day of November, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, the Presbyter Don Eugenio Macnamara, residing at present in this place, said: that Don José Castro, resident of the Port of Monterey, as copartner in the mine of



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Quicksilver situated in the district of Santa Clara, and in the name of his copartners who made over to him their rights that he should contract with an English company for the working of said mine, conferred upon him power for this purpose, which was executed in presence of four witnesses in said port, on the twelfth of June of the current year, and the original of which, in two leaves, I certify that I have before me, and its contents are in the following words—On the margin—Power of Attorney—At the Port of Monterey, the twelfth day of the month of June, one thousand eight hundred and forty-six, I, José Castro, in presence of the witnesses to be hereinafter named, in exercise of the powers which my partners have granted to me, for the purpose of executing any contract which might offer in regard to the three pertenencias, which, by just title and as discoverers, we possess in the mine of Quicksilver situated in the district of Santa Clara; and being favored by the Mining Ordinances and the respective laws, and more especially by the supreme law of seventh October, one thousand eight hundred and twenty-three, to procure the great advancement of and profit in the working of this class of mines; and the mine which they now possess being first, sole, and most important for its richness which has been discovered in the Mexican Nation; and that the Supreme Government cannot extend to them the assistance which they are entitled, on account of the mine being at an immense distance, and beyond sea; and there existing no hopes that this country of itself can forward this important branch, owing to its not having any disposable funds; and likewise, because of there being no professed mineralogist to be found here, nor laborers for the continuous workings which are required for the advancement of this branch of industry unknown in this Department,—have agreed, and do agree to confer special, full, and sufficient power, as much as may be necessary, and convey most authority, and be most binding in law, to the Presbyter Don Eugenio Macnamara, that, representing his person and those of his copartners, he may contract with an English company, with exclusion of any other nation, to have it undertake the working of the three pertenencias of said mine for the term of nine years, with the purpose of procuring the supplies, (avios) defraying the necessary expenses, and maintaining the mine in good working order, and in conformity with the Mining Ordinances; one-half of the products of the three pertenencias of the mine to be for the owners, and the other half for the English company; and in the case that he may not be able to make such arrangement, he may offer two-thirds to the English company, and the owners shall receive one-third, it being understood that the

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portion falling to the owners shall be free of all expenses; and should he not be able to effect any contract even on these terms, he may make other stipulations, with the concurrence of Don Andres Castillero, so as to expedite the effecting of a contract; and after the expiration of said term of nine years, the contract will be extended for seven years more, on the same terms as the first may have been formed, after all which time the negotiation shall be at the absolute disposal of the owners of the mine, as likewise all the materials, buildings and other appurtenances, such as machinery and other utensils appertaining to said working, and the English company shall not be entitled to claim for any cause whatever any other expenses which they may have incurred for their own proper use and benefit. And to the security and validity of whatever may be executed in virtue of this power, the signer thereof binds himself in full form of law to its fulfillment, and for that purpose he subjects himself to the judges who may have cognizance of the case. In testimony whereof he signed it, with the four witnesses, who are Don David Spence, Don Juan Malarin, Don Manuel Diaz, and Don Antonio Maria Osio, the day and year above written. —José Castro.—David Spence.—Manuel Diaz.—Juan Malarin.—Antonio Maria Osio.—On the margin.—Continuation of the Instrument.—That the power of attorney herein inserted has not been revoked nor limited in any way, and that after having solicited with the utmost diligence the transaction for which he was empowered, he has executed, with Señor Don Alexandro Forbes, a British subject and Consul, for himself and for his associates in this enterprise, the contract expressed in the following conditions.—First. Don Alexandro Forbes and his associates undertake the working of the three pertenencias embraced in said quicksilver mine, for the term of sixteen years, according to the authority granted by the preinserted power of attorney, and without the concurrence of Señor Castiilero being necessary, as this contract is not beyond the limits for which Macnamara was empowered.—On the margin numbered.—Second. That Señor Forbes and his associates are bound to furnish the necessary supplies (avios), defray the requisite expenses, and maintain the mine in good working order, and conformably to the mining ordinances.—On the margin numbered.—Third. That of the products of the three pertenencias which the mine embraces, Señor Forbes and his associates shall receive two-thirds, and the other third shall remain in favor of the owners, without the deduction therefrom of any expenses whatever.—On the margin numbered.—Fourth. That at the expiration of the sixteen years of this partnership,

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the negotiation shall remain at the absolute disposal of the owners, and likewise all the materials, buildings, and other appurtenances belonging thereto, such as machinery and other utensils connected with the negotiation, and in no manner shall Señor Forbes and his associates have any right to demand any other expenses of any kind which they may have incurred for their own proper use and benefit. Being present, Señor Don Alexander Forbes, whose person I certify I know, for himself, and as representative of the shareholders in this business, and informed of the foregoing conditions of the pre-inserted power of attorney, he said: that they are in entire conformity with the terms on which he has entered into this transaction. Both parties to this instrument manifested that this contract has been entered into with the conditions stipulated, that they bind themselves to its exact fulfillment without interpretations, and not to contradict this instrument in whole or in part, and the party who shall not perform this engagement shall be constrained to the observance of the same, summarily, according to law, and also to the payment of damages and the expenses which may be incurred, the amount of which shall be determined by the oath of the other party, without other proof, which they waive, although such may be required by law. And to the execution of this contract, the parties to this instrument bind their property and that of the partners in the mine, and of the associates of Señor Forbes, and subject the same to the jurisdiction of the Judges who may have cognizance of their causes, that they may constrain them to its fulfillment as by virtue of a definitive decree against them, acquiesced in and become *res judicata*. So they covenanted and signed, being witnesses thereto the citizens Nicholas Figueroa, Manuel Covarrubias and Luis Villalbaso, present, and residents of this place. I give faith—Eugenio Macnamara—Alexandro Forbes —Panfilo Solis, Notary Public—A true copy of the original copy, which, in four useful leaves, of the first and fourth stamps, I certify that I have before me. The aforesaid Don Andres Castillero proceeded to say that, in the most solemn manner which the law permits, he declares: that he binds himself, on his part, to fulfill exactly and faithfully, as one of the partners contracting with Señor Forbes, every thing contained in the above inserted instrument, which he approves and ratifies in all its parts, desiring that he may be held from this time forth as one of those bound to the fulfillment of its contents.

From this day, until the expiration of the term of the sixteen years of the contract, he binds himself, and his heirs and successors, not to demand any thing against the instrument above inserted, but if he should so do, he desires that he may not be

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heard either in or out of Court. He grants in favor of the "avio," and for the sixteen years of the contract, the two square leagues of land of which the Supreme Government has made him a concession, as is shown by the official document which he presents, that it may be copied at the end of the present instrument, and be inserted in the copies which may be issued of the same. And, in regard to the want of formality which may be observed in the power of attorney inserted in the instrument copied in this present, he binds himself to obtain the explicit consent of his copartners, who will ratify the present instrument, to remove any doubts which might occur with respect to the authority of the Padre Don Eugenio Macnamara, to represent the copartners of Señor Castro and the declarant. He declares also that he consents that the contract contained in this instrument shall not go into effect until the English company shall be in quiet and peaceable possession of the mine referred to. With which qualifications and conditions, the aforesaid Señor Castillero binds himself, on his part, to the fulfillment of all the above written, and asserts that, for the execution of the present instrument, he has not been deceived; that, on the contrary, it is beneficial to his interests, and that in it there are no other conditions than those expressed, neither does the agreement bear with it lesion or usury of any kind, as he swears by God and the sign of the cross; but if any such should result, of the excess he makes concession and donation to the English company, pure, perfect, and irrevocable, with judicial exhibition and renunciation of the law second, title first, book tenth, of the Novisima Recopilacion. From this time forth until the expiration of the sixteen years of the contract, and reserving solely the rights which by dominion and ownership belong to him, he dispossesses himself, gives up, and separates himself and his heirs from the right of possession, and any other rights which he may have, and he conveys, renounces and transfers them all to the said Señor Forbes, as representative of the English company, to whom, by this present instrument, he grants full power and sufficient authority, constituting him proctor in his own cause, to the end that with subjection to the mining ordinances, and in entire conformity with the present instrument, the Company may avail themselves of the products which agreeably to the same belong to them, doing every other act which they may be entitled to do. He binds himself to the security, certainty, and warranty of this contract, which, on his part, he affirms shall be certain and sure, and no suit shall be brought by him; but if any suit should be brought, he will prosecute the same at his own cost until the company be left in quiet and

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peaceable possession, and not acquiring which, he will pay them all damages and injuries, with personal expenses and costs of suit which may be incurred. He subjects himself to the literal meaning of the law 1st, title 1st, book 10th, of the Novisimo Recopilacion, the contents of which he knows, and he desires that he may be held bound to the fulfillment of the present instrument. And Señor Don Francisco Martinez Negrete, resident of this place, whose person, being of age, I certify that I know, being present, and informed of the contents of this instrument, said: that having express order and sufficient authority from Don Alexandro Forbes, in his name, and in the name of the English company, he accepts this instrument, affirming that the parties interested are contented and satisfied with the same. The sundry times named Señor Don Andres Castillero, to the fulfillment of all that is above expressed, binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the Judges, who, according to law, may, and should have cognizance of his causes, that they compel and constrain him as by force of a definitive sentence, consented to, and become *res judicata:* he renounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And before me, he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents.=Andres Castillero. =I give faith.=Francisco Martinez Negrete.=Nazario Fuentes, Notary Public.

I certify and give faith that the official document which is spoken of in the foregoing writing is as follows.=On the margin.=Ministry of Exterior Relations, Government and Police.=Most Excellent Sir:—The Most Ex$^{t}$ and Illustrious Sōr. Minister of Justice, in an official communication of the 20th inst., says to me what I copy:=" Most Excellent Sir:—I to-day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, that which follows:= 'Most Excellent Sir: Having reported to His Excellency, the President *ad interim*, the note of your Excellency of the 14th instant, with which you were pleased to transmit to me, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the Quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California; His Excellency has been pleased to approve, in all its parts, the agreement made with that person to commence the working of that mine, and on this date the corresponding communication is made to the Ministry of Exterior Relations and

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Government, that it may issue the proper orders relative to what is contained in the 8th proposition, with respect to the granting of lands in that Department.'—"And I have the honor to transcribe it to your Excellency, so that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has thought proper to accede, that as a colonist there be granted to him two square leagues upon the land of his mining possession, your Excellency will please issue the orders referred to.—"I repeat to your Excellency, &c."—And I transcribe it to your Excellency, so that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.—God and Liberty. Mexico, May 23, 1846.—Castillo Lanzas.—Most Exc$^{t}$ Sõr. Governor of the Department of Californias.—Signo here.—Nazario Fuentes.

The following annotations are made on the margin over the rubric of said Nazario Fuentes.—A copy was given for the company, it being remitted for it to Tepic to Don Alexander Forbes, the second day after its execution.—A rubric.—On the 10th day of August, 1848, a certified copy was given to Don Andres Castillero, on ten useful leaves, in lieu of the "*testimonio*" which he did not demand.

I furthermore certify and give faith, that in said book, immediately following the foregoing instrument, there exists another instrument, which is in the following words and form:

In the City of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor Don Andres Castillero, Captain of Permanent Cavalry, resident in this city, whose person being of age, I certify that I know, and he said: That he is the owner in fee (propiedad) of twelve shares (barras) in the mine of silver, with *ley* of gold and quicksilver, situated on the Rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo of San José de Guadalupe, of the Territory of Upper California, in the second District of Monterey; that, as such owner, by these presents, and in the most solemn form permitted by law, he declares that for himself, and in the name of his heirs and successors, and of those who may represent his rights, he sells in real sale and perpetual alienation, to Señor Don Alexandro Forbes, for himself and his heirs, and those who may represent his rights, the following, to wit: five shares (barras) of the twelve which belong to him in fee, in the aforesaid mine of Santa Clara, which he, the declarant, acquired as discoverer, and as such, he transfers to the purchaser the aforesaid five shares, with all their uses, benefits, servitudes, and

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everything else which actually and in law and fact belongs and appertains to them; for he conveys, renounces and transfers them all to the said Señor Forbes, or whoever may represent his rights. He declares that the aforesaid five shares are free from all incumbrance, tax or mortgage, special or general, which he assures for the price and amount of four thousand dollars, which he acknowledges having received in common current silver money, of Mexican coinage, to his entire satisfaction, relative to which he renounces the exception of *non numerata pecunia*, the Law 9, Title 1, Partida 5, with the four years which it allows for proof, which he considers as past, granting, by these presents, the most firm and efficacious protection which may be conducive to the security of the purchaser. He affirms that the just and lawful price of the said five shares, is the four thousand dollars, which he acknowledges he has received, for they are not worth more, nor has there been any one who would offer him as much; but if their value should be greater, or if the advantage should become very great in time, he makes to him of all free gift and donation, pure, simple, perfect and irrevocable, with judicial intervention and renunciation of the Law 2d, Title 1st, Book 10, of the "Novisima Recopilacion." which treats of contracts in which there is lesion in more or less than the half of the just price, fixing four years in which to ask for their recision or the supplement of the just value, which term he considers as past, and renounces with the law referred to. From this time forth, forever, he dispossesses himself, gives up, and separates himself from all action, ownership, dominion, and *quasi* possession which he can have in said five shares, and he grants, renounces, and conveys it all to the purchaser, or whoever may represent him, so that, as owner, he may dispose of them at his free will and pleasure, as of his own property acquired by just and legal title, sufficient and conveying dominion, such being the present writing: taking either by himself or judicially, possession and tenure of the same, he (the vendor) constituting himself in the meantime his (the purchaser's) tenant, and temporary possessor in legal form. He binds himself to the security, certainty and warranty of this sale, as also that the second article of the contract and partnership executed in the Mission of Santa Clara, on the second of November, one thousand eight hundred and forty-five, shall never be an obstacle, for he binds himself to make his partners agree and consent to it, as he, the vendor, has consented and agreed to those which they have made: in the understanding that if he cannot obtain this, or if any suit should be brought against the purchaser, so that at his own expense he should not be able to retain quiet and peaceable possession, he will return to him

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the four thousand dollars, which he acknowledges he has received, with the proceeds of the twelve shares of which he is owner, paying him all the damages, prejudices and losses which he may incur, without other proof than the simple affidavit of the party. And to the fulfillment of this obligation, he hypothecates expressly, specially and signally the aforesaid twelve shares, which he cannot sell, incumber, or in any other manner alienate, without the express consent of the purchaser, who may, in the contrary event, reclaim them even from third or more remote possessors, in order to insure to himself everything which, according to the present writing, may become due to him; the expenses of this instrument are to be borne by both the contracting parties, one half each. And Don Francisco Martinez Negrete, resident and merchant of this city, being present, whose person, being of age, I certify that I know, and being acquainted with the contents of this writing, said that being sufficiently authorized by orders from Don Alexandro Forbes, in his name and in legal form he accepts this present; and for that purpose he gives the adhesion and bond, *de grato et rato*, of the person whom he represents, and in his name declares that he is contented and satisfied with the present instrument, binding himself to fulfill whatever in the same appertains to Señor Forbes. And to the fulfillment of all that is above expressed, the vendor binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the judges who, according to law, may and should have cognizance of his causes, that they may compel and constrain him, as by force of a definitive sentence, consented to, and become *res judicata;* he renounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And before me he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents.—I give faith. And also, that at the time of signing, the contracting parties added that this sale and every other matter contained in this writing, should not have effect until Don Alexandro Forbes shall be in the quiet and peaceable possession of the five shares sold; and should he be disturbed by any person, or through any cause, in such event the hypothecation which he makes of the twelve shares stated in the security clause of the present writing, shall take effect; and he repeats, before the same witnesses, the general warranty for the fulfillment of this last warranty; and they signed.—I give faith. Andres Castillero.—Francisco Martinez Negrete.—Nazario Fuentes.



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I certify and give faith, that, notwithstanding the relative clause contained in the foregoing writing, the contracting parties desired that I should witness the payment of the four thousand dollars, which was made before me, and in the presence of the undermentioned witnesses, in the house of Don Francisco Martinez Negrete, all which I attest; and in testimony whereof, I make this register, being witnesses, the Exc$^{t}$. S$^{or}$. Licentiate Don José Antonio Romero and Don Manuel Terrazas, present and residents.=I give faith.=Signo here.=Nazario Fuentes.= On the margin of said instrument the following notes are placed over the rubric of said Nazario Fuentes: "A copy of this instrument was given on the second day after its execution to the party of Don Alexander Forbes."=A rubric.=Mexico, August 9th, 1848. At this date there was given to S$^{or}$. Castillero, a certified copy in lieu of the "testimonio" which should have been given him. I give faith.=A rubric.

I further certify that the foregoing copies are true, exact and complete copies of said two instruments in said book, which exists in the archives of my office. And finally, I certify that at the end of said book there is a certificate, put, marked and signed by the aforesaid deceased, Nazario Fuentes, in the following words: "I certify and give faith that in the present year there have not occurred more instruments than those which appear in the preceding one hundred and twenty-one leaves of this protocol, and in testimony thereof, I sign and make my signo.=A signo.=Nazario Fuentes, N. P."

And in fulfillment of what has been ordered by the S$^{or}$. Second Substitute Judge, discharging the duties of First Judge of Letters in civil matters of this Capital, Don Mariano Ycaza, by a decree of the 8th inst., I issue the present this tenth February, one thousand eight hundred and fifty-nine, which occupies sixteen useful leaves of the third stamp for the current biennial term: Don Antonio Lopez, Don Ramon Orta and Don Pedro Navarro, residents of this place, having witnessed its preparation and correction. I give faith. E. R.="Señor Castillero" "ó por cualquiera motivo=vale=interlined; "puerto" = "testim$^{o}$. de" erased.

†
JUAN NAVARRO,
National Notary Public.

—

The undersigned, Chief Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, with exercise of decrees, and honorary Chief Clerk of the same,

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Do certify: that Don Juan Navarro, who authenticates
[SEAL.] the foregoing document, is a National Notary Public, and that the signo and signature thereto are the same which he uses on all documents authenticated by him, to which are given full faith and credit. Mexico, February twenty-sixth, eighteen hundred and fifty-nine.

MARIANO ALEGRIA.
[Rubric.]

[Dues, 4 dollars.]

—

José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic,

No. 46. Do certify that Don Mariano Alegria is First Clerk
[SEAL.] of the Ministry of Justice of the Republic, and that the preceding signature is his, which he uses in the documents which he authenticates. Mexico, 11th March, 1859.

J. MIGUEL ARROYO.
[Rubric.]

[Dues, 4 dollars.]

—

No. 101. CONSULATE OF THE U S. OF AMERICA,
Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said officer.

Register J, folio 50. In testimony whereof, I have hereunto set my
Fees $2. hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.] JOHN BLACK,
*U. S. Consul.*

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## TRANSLATION EXHIBIT NEGRETE No. 18.

—

NOTARY PUBLIC'S OFFICE OF JUAN NAVARRO.

*Certificate issued with literal copy of a writing and proceedings had, which is protocolized in the protocol of the deceased Notary Don Nazario Fuentes, appertaining to the year* 1846.—*Mexico,* 1859.

[STAMP] [SEAL]

I, Juan Navarro, Notary Public of the Nation, matriculated in its National College, and of the Number of this Capital,

Do certify and give faith by the present, that by reason of the death of the Notary Public Nazario Fuentes, there remained in my possession and under my custody and responsibility, the protocol books of public instruments which passed before him, which I preserve legally in my office. I certify in like manner, that among them there is a protocol book, bound and sewed together, composed of stamped paper, of the kind used for deeds (escrituras) and other public instruments, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven, containing one hundred and twenty-one leaves, and in which appear the originals of the public instruments made before the said deceased Notary Nazario Fuentes, and the usual instrumental witnesses, which book is entitled "Year 1846.=Protocol of Public Instruments of the Notary Nazario Fuentes."

I certify in like manner, that on the front of the first leaf of said book, and before the commencement of the first public instrument, which was a power of attorney executed by Doña Merced Sardi on the eighth of January, eighteen hundred and forty-six, in favor of Don Francisco Cortes for the sale of real estate in the city of Guadalajara, there appears the following note authenticated by and bearing the signo of said Nazario Fuentes, which states:—"Protocol of public instruments for the year 1846, belonging to the Notary Public who signs and attaches his signo." I give faith that it begins to-day at this date.=Signo here.=Nazario Fuentes.=I likewise certify, that in said Protocol book there is subjoined on the leaf marked one hundred and twelve, a petition signed by Don Andres Castillero and Don Francisco Martinez Negrete, the contents of which, together with the decree made thereupon, the notification and the note appended thereto, is as follows: "Don Andres Castillero and Don Francisco Martinez Negrete as correspondent of the Señor Don Alexander Forbes, Her Britannic

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Majesty's Consul, resident at Tepic, before you with due respect we say: that on the seventeenth of December of last year, we executed before the Notary Don Nazario Fuentes two instruments (escrituras); one a conveyance of a share in the mine of San José de Guadalupe, in the District of Monterey, in Upper California, known by the name of Santa Clara, and the other a contract of partnership in said mine. And having an order from Mr. Forbes to apply for another certified copy of said instruments, as I (Negrete) took part in their execution on behalf of the Señor Forbes, I pray you to be pleased to order that the said Notary, in whose protocol the said documents exist, give the copies asked for in such manner that they shall be evidence (haga fé). We ask for justice, making the necessary oath, etc.=Francisco Martinez Negrete.=Andres Castillero.=Mexico, February 3, 1847.=Duly presented, ordered as prayed for.=The Notary to give the copies, to have due effect: So adjudged by the Señor Substitute Judge of the 1st Civil Tribunal, the Licentiate Don Juan Hierro, and he signed it.=I give faith.=Hierro.=Nazario Fuentes. On the same day, Sōr. Don Andres Castillero being present in his own house, I informed him of the foregoing decree, after taking cognizance of which he said he had notice of it, and he signed; I give faith.=Andres Castillero=Nazario Fuentes.= On the same day Francisco Martinez Negrete being present at his lodging-house, I informed him of the foregoing decree, after taking cognizance of which he said he had notice of it and signed before me, of which I give faith.=Martinez Negrete=Nazario Fuentes. On the same day the copies ordered were issued on the corresponding paper, which I note for proof thereof, I give faith=Fuentes."

I further certify that the foregoing is a true, exact and complete copy of said petition, and the proceedings thereto appended, which is found in the said protocol-book, which exists in the archives of my office.

I certify in like manner that the date of the instrument which immediately precedes the petition and decree which has been certified to above, is that of the twenty-first December, eighteen hundred and forty-six, and that after said petition and decree there exists only four instruments on eight leaves, of which two passed on the twenty-fourth, one on the thirtieth, and the other on the thirty-first of December, of said year eighteen hundred and forty-six, and that the said petition of Castillero and Negrete has no date, and the decree of the Judge bears date the third of February, eighteen hundred and forty-seven, and it is written upon the petition itself.

And I finally certify that at the conclusion of said book

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there is placed a certificate bearing the "signo" of and signed by the said deceased Nazario Fuentes in the following words: ="I certify and give faith that in the present year there have not occurred more instruments than those which appear on the preceding one hundred and twenty-one leaves in this protocol, and for proof thereof I sign it and attach to it my signo.=A "signo."=Nazario Fuentes, N. P."

And in fulfillment of what has been ordered by the S$^{or}$. Second Substitute Judge, discharging the duties of First Judge of Letters in civil matters of this Capital, Don Mariano Ycaza, by the decrees of the 8th and 16th instant, I issue the present this sixteenth February, one thousand eight hundred and fifty-nine, which occupies four useful leaves of the third stamp for the current biennial term: Don Antonio Lopez, Don Ramon Orta and Don Pedro Navarro, residents of this place, having witnessed its preparation and correction. I give faith.

†

JUAN NAVARRO,
National Notary Public.

—

The undersigned, Chief Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, and honorary Chief Clerk of the same, with exercise of decrees,

Do certify: that Don Juan Navarro, who authenticates
[SEAL.] the foregoing document, is a National Notary Public, and that the signo and signature thereto are the same which he uses on all documents authenticated by him, to which are given full faith and credit. Mexico, February twenty-sixth, eighteen hundred and fifty-nine.

MARIANO ALEGRIA.
[Rubric.]

[Dues, 4 dollars.]

—

José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic,

No. 47. Do certify: that Don Mariano Alegria is Honorary First Clerk of the Ministry of Justice of the same Re-
[SEAL.] public, and that the preceeding signature is his, which he uses in the documents which he authenticates. Mexico, 11th March, 1859.

[SEAL.] J. MIGUEL ARROYO.
[Rubric.]

[Dues, 4 dollars.]

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No. 101. CONSULATE OF THE U. S. OF AMERICA, MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said officer.

Register J, folio 50.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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## TRANSLATION EXHIBIT NEGRETE No. 19.

FIRST SEAL. [SEAL.] EIGHT DOLLARS.

*For the years* 1845 *and* 1846.

At the City of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor D. Andres Castillero, Captain of Permanent Cavalry, resident of this city, whose person, being of age, I certify that I know, and he said: That from the document which he presents, it appears that, as the owner of a mine of silver with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo of San Jose Guadalupe, of the territory of Upper California, in the Second District of Monterey, and which mine is known by the name of Santa Clara, he executed a contract of copartnership in said mine with the Señores the Commandant General Don José Castro, Don Secundino Robles, and Don Teodoro Robles, and likewise with the Rev. Father Friar José Maria del Refugio Suarez del Real, as perpetual donee of his copartners of four shares (barras) in the aforesaid mine; which document, executed in the Mission of Santa Clara on the second day of November, one thousand eight hundred and forty-five, in copy taken from the original which exists in the Archives of the District, authenticated by Don Manuel Castro and Don Antonio Maria Pico, I certify that I have before me, in the said two useful leaves of common paper. That the said Don José Castro, his copartner, for himself, and in the name of the other partners in said mine, executed, in the port of Monterey, the twelfth day of June of the current year one thousand eight hundred and forty-six, a special but full power of attorney in favor of the Presbyter Don Eugenio Macnamara, that he might contract with an English company that should undertake the working of the three pertenencias which belong to Castro and his partners in said mine, with the object of furnishing the necessary supplies and funds for the increase of the negotiation, all in entire conformity with what is prescribed for like cases in the Mining Ordinances. That with such authorization the said Presbyter Don Eugenio Macnamara, in the City of Tepic, the twenty-eighth day of November of the current year one thousand eight hundred and forty-six, effected the contract for which he was empowered, with Señor Don Alexandro Forbes, for himself and in the name of the English company which he repre-

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sents, reducing the same to a public instrument, executed in the presence of the Notary Public Don Pánfilo Solis, the contents of which, and the power of attorney authorizing the representation of Señor Macnamara, are as follows.

Instrument of Tepic. Corrected (on the margin)—A rubric. "At the City of Tepic, the twenty-eighth day of November, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, the Presbyter Don Eugenio Macnamara, residing at present in this place, said: that Don José Castro, resident of the Port of Monterey, as copartner in the mine of Quicksilver situated in the district of Santa Clara, and in the name of his copartners who made over to him their rights that he should contract with an English company for the working of said mine, conferred upon him power for this purpose, which was executed in presence of four witnesses in said port, on the twelfth of June of the current year, and the original of which, in two leaves, I certify that I have before me, and its contents

Power of Attorney are in the following words. At the Port of Monterey, the twelfth day of the month of June, one thousand eight hundred and forty-six, I, José Castro, in presence of the witnesses to be hereinafter named, in exercise of the powers which my partners have granted to me, for the purpose of executing any contract which might offer in regard to the three pertenencias, which, by just title and as discoverers, we possess in the mine of quicksilver situated in the district of Santa Clara; and being favored by the Mining Ordinances and the respective laws, and more especially by the supreme law of seventh October, one thousand eight hundred and twenty-three, to procure the great advancement of and profit in the working of this class of mines; and the mine which they now possess being first, sole, and most important for its richness which has been discovered in the Mexican Nation; and that the Supreme Government cannot extend to them the assistance which they are entitled, on account of the mine being at an immense distance, and beyond sea; and there existing no hopes that this country of itself can forward this important branch, owing to its not having any disposable funds; and likewise, because of there being no professed mineralogist to be found here, nor laborers for the continuous workings which are required for the advancement of this branch of industry, unknown in this Department,—have agreed, and do agree to confer special, full, and sufficient power, as much as may be necessary, and convey most authority, and be most binding in law, to the Presbyter Don Eugenio Macnamara, that, representing his person and those of his copartners, he may contract with an English company, with exclusion of any

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other nation, to have it undertake the working of the three pertenencias of said mine for the term of nine years, with the purpose of procuring the supplies (avios), defraying the necessary expenses, and maintaining the mine in good working order, and in conformity with the Mining Ordinances; one-half of the products of the three pertenencias of the mine to be for the owners, and the other half for the English company; and in the case that he may not be able to make such arrangement, he may offer two-thirds to the English company, and the owners shall receive one-third, it being understood that the portion falling to the owners shall be free of all expenses; and should he not be able to effect any contract even on these terms, he may make other stipulations, with the concurrence of Don Andres Castillero, so as to expedite the effecting of a contract; and after the expiration of said term of nine years, the contract will be extended for seven years more, on the same terms as the first may have been formed, after all which time the negotiation shall be at the absolute disposal of the owners of the mine, as likewise all the materials, buildings and other appurtenances, such as machinery and other utensils appertaining to said working, and the English company shall not be entitled to claim for any cause whatever any other expenses which they may have incurred for their own proper use and benefit. And to the security and validity of whatever may be executed in virtue of this power, the signer thereof binds himself in full form of law to its fulfillment, and for that purpose he subjects himself to the judges who may have cognizance of the case. In testimony whereof he signed it, with the four witnesses, who are Don David Spence, Don Juan Malarin, Don Manuel Diaz, and Don Antonio Maria Osio, the day and year above written. —José Castro.—David Spence.—Manuel Diaz.—Juan Mala-

Continuation of the Instrument of Tepic.

rin.—Antonio Maria Osio. That the power of attorney herein inserted has not been revoked nor limited in any way, and that after having solicited with the utmost diligence the transaction for which he was empowered, he has executed, with Señor Don Alexandro Forbes, a British subject and Consul, for himself and for his associates in this enterprise, the contract expressed in the following conditions.—First. Don Alexandro Forbes and his associates undertake the working of the three pertenencias embraced in said quicksilver mine, for the term of sixteen years, according to the authority granted by the pre-inserted power of attorney, and without the concurrence of Señor Castillero being necessary, as this contract is not beyond the limits for which Macnamara was empowered.—On the

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margin numbered.—Second. That Señor Forbes and his associates are bound to furnish the necessary supplies (avios), defray the requisite expenses, and maintain the mine in good working order, and conformably to the mining ordinances.—On the margin numbered.—Third. That of the products of the three pertenencias which the mine embraces, Señor Forbes and his associates shall receive two-thirds, and the other third shall remain in favor of the owners, without the deduction therefrom of any expenses whatever.—On the margin numbered.—Fourth. That at the expiration of the sixteen years of this partnership. the negotiation shall remain at the absolute disposal of the owners, and likewise all the materials, buildings, and other appurtenances belonging thereto, such as machinery and other utensils connected with the negotiation, and in no manner shall Señor Forbes and his associates have any right to demand any other expenses of any kind which they may have incurred for their own proper use and benefit. Being present, Señor Don Alexander Forbes, whose person I certify I know, for himself, and as representative of the shareholders in this business, and informed of the foregoing conditions of the pre-inserted power of attorney, he said: that they are in entire conformity with the terms on which he has entered into this transaction. Both parties to this instrument manifested that this contract has been entered into with the conditions stipulated, that they bind themselves to its exact fulfillment without interpretations, and not to contradict this instrument in whole or in part, and the party who shall not perform this engagement shall be constrained to the observance of the same, summarily, according to law, and also to the payment of damages and the expenses which may be incurred, the amount of which shall be determined by the oath of the other party, without other proof, which they waive, although such may be required by law. And to the execution of this contract, the parties to this instrument bind their property and that of the partners in the mine, and of the associates of Señor Forbes, and subject the same to the jurisdiction of the Judges who may have cognizance of their causes, that they may constrain them to its fulfillment as by virtue of a definitive decree against them, acquiesced in and become *res judicata*. So they covenanted and signed, being witnesses thereto the citizens Nicholas Figueroa, Manuel Covarrubias and Luis Villalbaso, present, and residents of this place. I give faith—Eugenio Macnamara—Alexandro Forbes—Panfilo Solis, Notary Public. The foregoing instrument agrees with the original copy, which, in four useful leaves, I certify that I have before me. The aforesaid Don Andres Castillero proceeded to say that, in the most solemn manner which the law permits,

End of the Instrument of Tepic and continuation of the present instrum't.

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he declares: that he binds himself, on his part, to fulfill exactly and faithfully, as one of the partners contracting with Señor Forbes, every thing contained in the above inserted instrument, which he approves and ratifies in all its parts, desiring that he may be held from this time forth as one of those bound to the fulfillment of its contents.

From this day, until the expiration of the term of the sixteen years of the contract, he binds himself, and his heirs and successors, not to demand any thing against the instrument above inserted, but if he should so do, he desires that he may not be heard either in or out of Court. He grants in favor of the "avio," and for the sixteen years of the contract, the two square leagues of land of which the Supreme Government has made him a concession, as is shown by the official document which he presents, that it may be copied at the end of the present instrument, and be inserted in the copies which may be issued of the same. And, in regard to the want of formality which may be observed in the power of attorney inserted in the instrument copied in this present, he binds himself to obtain the explicit consent of his copartners, who will ratify the present instrument, to remove any doubts which might occur with respect to the authority of the Padre Don Eugenio Macnamara, to represent the copartners of Señor Castro and the declarant. He declares also that he consents that the contract contained in this instrument shall not go into effect until the English company shall be in quiet and peaceable possession of the mine referred to. With which qualifications and conditions, the aforesaid Señor Castillero binds himself, on his part, to the fulfillment of all the above written, and asserts that, for the execution of the present instrument, he has not been deceived; that, on the contrary, it is beneficial to his interests, and that in it there are no other conditions than those expressed, neither does the agreement bear with it lesion or usury of any kind, as he swears by God and the sign of the cross; but if any such should result, of the excess he makes concession and donation to the English company, pure, perfect, and irrevocable, with judicial exhibition and renunciation of the law second, title first, book tenth, of the Novisima Recopilacion. From this time forth until the expiration of the sixteen years of the contract, and reserving solely the rights which by dominion and ownership belong to him, he dispossesses himself, gives up, and separates himself and his heirs from the right of possession, and any other rights which he may have, and he conveys, renounces and transfers them all to the said Señor Forbes, as representative of the English company, to whom. by this present instrument, he grants full pow-

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er and sufficient authority, constituting him proctor in his own cause, to the end that with subjection to the mining ordinances, and in entire conformity with the present instrument, the Company may avail themselves of the products which agreeably to the same belong to them, doing every other act which they may be entitled to do. He binds himself to the security, certainty, and warranty of this contract, which, on his part, he affirms shall be certain and sure, and no suit shall be brought by him; but if any suit should be brought, he will prosecute the same at his own cost until the company be left in quiet and peaceable possession, and not acquiring which, he will pay them all damages and injuries, with personal expenses and costs of suit which may be incurred. He subjects himself to the literal meaning of the law 1st, title 1st, book 10th, of the Novisima Recopilacion, the contents of which he knows, and he desires that he may be held bound to the fulfillment of the present instrument. And Señor Don Francisco Martinez Negrete, resident of this place, whose person, being of age, I certify that I know, being present, and informed of the contents of this instrument, said: that having express order and sufficient authority from Don Alexandro Forbes, in his name, and in the name of the English company, he accepts this instrument, affirming that the parties interested are contented and satisfied with the same. The sundry times named Señor Don Andres Castillero, to the fulfillment of all that is above expressed, binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the Judges, who, according to law, may, and should have cognizance of his causes, that they compel and constrain him as by force of a definitive sentence, consented to, and become *res judicata:* he renounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And before me, he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents.=Andres Castillero. =Francisco Martinez Negrete.=Nazario Fuentes, National Notary Public.

Official document

I certify and give faith that the official document which is spoken of in the foregoing writing is of the following tenor=On the margin.=Ministry of Exterior Relations, Government and Police.=Most Excellent Sir:—The Most Ex$^{t}$ and Illustrious Sōr. Minister of Justice, in an official communication of the 20th inst., says to me what I copy:=" Most Excellent Sir:—I to-day say to His Excellency, Don Vicente Segura, President of the Junta for the

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Encouragement of Mining, that which follows:—'Most Excellent Sir: Having reported to His Excellency, the President *ad interim*, the note of your Excellency of the 14th instant, with which you were pleased to transmit to me, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California; His Excellency has been pleased to approve, in all its parts, the agreement made with that person to commence the working of that mine, and on this date the corresponding communication is made to the Ministry of Exterior Relations and Government, that it may issue the proper orders relative to what is contained in the 8th proposition, with respect to the granting of lands in that Department.'—"And I have the honor to transcribe it to your Excellency, so that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has thought proper to accede, that as a colonist there be granted to him two square leagues upon the land of his mining possession, your Excellency will please issue the orders referred to.—"I repeat to your Excellency, &c."—And I transcribe it to your Excellency, so that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.—God and Liberty. Mexico, May 23, 1846.—Castillo Lanzas.—Most Exc$^{t}$ Sõr. Governor of the Department of Californias.

This was taken from its register two days after its execution for the agent of the company, on these ten useful leaves of the first and fourth stamp, being those required by law; the same instrumental witnesses having witnessed its preparation and correction, and that of the documents inserted therein, of which I give faith.

(Signo)
NAZARIO FUENTES.
[Rubric.]

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[SEAL.] We, the Notaries Public, who hereto attach our "signos" and signatures, do certify and give faith that Don Nazario Fuentes is also a Notary Public of this Capital, and the preceding signo and signature are his, the same which he uses and commonly makes to authenticate the documents which pass before him as such Notary faithful and lawful, to which have been and are given full faith and credit.

In faith whereof, we give the present, which goes authenti-

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cated with the seal of our National College of Notaries. Mexico, nineteenth December, eighteen hundred and forty-six.

(Signo)
ROMUALDO DE ZEVALLOS.
[Rubric.]

(Signo)
FRANCISCO VILLALON.
[Rubric.]

(Signo)
ANDRES VELLIO MEJIA.
[Rubric.]

—

Jesus Vejar, Notary Public of this City.

Do certify and give faith, that the four "signos" and signatures whereby the foregoing "testimonio" is authenticated, of the Notaries Don Nazario Fuentes, Don Romualdo de Zevallos, Don Francisco Villalon, and Don Andres Vellio Mejia, of the National College of Mexico, should receive full faith and credit, because really when they authenticated and sealed said "testimonio," they were and are recognized as such Notaries at the Capital of this Republic, as in this office lawful use has been made of said signatures in acts which by virtue thereof other persons have executed.

And at the request of Messrs. Barron, Forbes & Co., I give the present at Tepic, on the eighteenth March, 1850, the leaf upon which the signatures appear bearing my rubric.

(Signo)
JESUS VEJAR.
[Rubric.]

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We, the undersigned, 1st Constitutional Alcalde and Notary Public, do certify and give faith, that the foregoing signo and signature authenticating the preceding certificate, are those of the Notary Public at this City, Don Jesus Vejar, who is in the exercise of his profession. Thus we sign it at Tepic, the 18th March, 1850.

LORETO CORONA.
[Rubric.]

(Signo)
EUSEBIO FERNANDEZ.
[Rubric].

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CONSULATE OF THE UNITED STATES.

I, George W. P. Bissell, Consul of the United States of North America, for this district, hereby certify that the signatures attached to the foregoing Document, are in the true handwriting of the subscribers who legally hold the situations therein represented, and are worthy of all faith and credit.

In testimony whereof, I have hereunto set my hand and seal of office in the City of Tepic, this first day of December, in the year one thousand eight hundred and fifty.

[SEAL]

G. W. P. BISSELL,
U. S. Consul.

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## TRANSLATION EXHIBIT NEGRETE No. 20.

FIRST SEAL. [SEAL.] EIGHT DOLLARS.

*For the years* 1846 *and* 1847.

At the City of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor D. Andres Castillero, Captain of Permanent Cavalry, resident of this city, whose person, being of age, I certify that I know, and he said: That from the document which he presents, it appears that, as the owner of a mine of silver with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo of San Jose Guadalupe, of the territory of Upper California, in the Second District of Monterey, and which mine is known by the name of Santa Clara, he executed a contract of copartnership in said mine with the Señores the Commandant General Don José Castro, Don Secundino Robles, and Don Teodoro Robles, and likewise with the Rev. Father Friar José Maria del Refugio Suarez del Real, as perpetual donee of his copartners of four shares (barras) in the aforesaid mine; which document, executed in the Mission of Santa Clara on the second day of November, one thousand eight hundred and forty-five, in copy taken from the original which exists in the Archives of the District, authenticated by Don Manuel Castro and Don Antonio Maria Pico, I certify that I have before me, in the said two useful leaves of common paper. That the said Don José Castro, his copartner, for himself, and in the name of the other partners in said mine, executed, in the port of Monterey, the twelfth day of June of the current year one thousand eight hundred and forty-six, a special but full power of attorney in favor of the Presbyter Don Eugenio Macnamara, that he might contract with an English company that should undertake the working of the three pertenencias which belong to Castro and his partners in said mine, with the object of furnishing the necessary supplies and funds for the increase of the negotiation, all in entire conformity with what is prescribed for like cases in the Mining Ordinances. That with such authorization the said Presbyter Don Eugenio Macnamara, in the City of Tepic, the twenty-eighth day of November of the current year one thousand eight hundred and forty-six, effected the contract for which he was empowered, with Señor Don Alexandro Forbes, for himself and in the name of the English company which he repre-



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sents, reducing the same to a public instrument, executed in the presence of the Notary Public Don Pánfilo Solis, the contents of which, and the power of attorney authorizing the representation of Señor Macnamara, are as follows:—Corrected (on the margin)—A rubric—The instrument follows—"At the City of Tepic, the twenty-eighth day of November, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, the Presbyter Don Eugenio Macnamara, residing at present in this place, said: that Don José Castro, resident of the Port of Monterey, as copartner in the mine of Quicksilver situated in the district of Santa Clara, and in the name of his copartners who made over to him their rights that he should contract with an English company for the working of said mine, conferred upon him power for this purpose, which was executed in presence of four witnesses in said port, on the twelfth of June of the current year, and the original of which, in two leaves, I certify that I have before me, and its contents are in the following words:—At the Port of Monterey, the twelfth day of the month of June, one thousand eight hundred and forty-six, I, José Castro, in presence of the witnesses to be hereinafter named, in exercise of the powers which my partners have granted to me, for the purpose of executing any contract which might offer in regard to the three pertenencias, which, by just title and as discoverers, we possess in the mine of quicksilver situated in the district of Santa Clara; and being favored by the Mining Ordinances and the respective laws, and more especially by the supreme law of seventh October, one thousand eight hundred and twenty-three, to procure the great advancement of and profit in the working of this class of mines; and the mine which they now possess being first, sole, and most important for its richness which has been discovered in the Mexican Nation; and that the Supreme Government cannot extend to them the assistance which they are entitled, on account of the mine being at an immense distance, and beyond sea; and there existing no hopes that this country of itself can forward this important branch, owing to its not having any disposable funds; and likewise, because of there being no professed mineralogist to be found here, nor laborers for the continuous workings which are required for the advancement of this branch of industry, unknown in this Department,—have agreed, and do agree to confer special, full, and sufficient power, as much as may be necessary, and convey most authority, and be most binding in law, to the Presbyter Don Eugenio Macnamara, that, representing his person and those of his copartners, he may contract with an English company, with exclusion of any

Instrument of Tepic.

Power of Attorney

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other nation, to have it undertake the working of the three pertenencias of said mine for the term of nine years, with the purpose of procuring the supplies (avios), defraying the necessary expenses, and maintaining the mine in good working order, and in conformity with the Mining Ordinances; one-half of the products of the three pertenencias of the mine to be for the owners, and the other half for the English company; and in the case that he may not be able to make such arrangement, he may offer two-thirds to the English company, and the owners shall receive one-third, it being understood that the portion falling to the owners shall be free of all expenses; and should he not be able to effect any contract even on these terms, he may make other stipulations, with the concurrence of Don Andres Castillero, so as to expedite the effecting of a contract; and after the expiration of said term of nine years, the contract will be extended for seven years more, on the same terms as the first may have been formed, after all which time the negotiation shall be at the absolute disposal of the owners of the mine, as likewise all the materials, buildings and other appurtenances, such as machinery and other utensils appertaining to said working, and the English company shall not be entitled to claim for any cause whatever any other expenses which they may have incurred for their own proper use and benefit. And to the security and validity of whatever may be executed in virtue of this power, the signer thereof binds himself in full form of law to its fulfillment, and for that purpose he subjects himself to the judges who may have cognizance of the case. In testimony whereof he signed it, with the four witnesses, who are Don David Spence, Don Juan Malarin, Don Manuel Diaz, and Don Antonio Maria Osio, the day, month and year above written.—José Castro.—David Spence.—Manuel Diaz.—Juan Malarin.—Antonio Maria Osio. That the power of attorney herein inserted has not been revoked nor limited in any way, and that after having solicited with the utmost diligence the transaction for which he was empowered, he has executed, with Señor Don Alexandro Forbes, a British subject and Consul, for himself and for his associates in this enterprise, the contract expressed in the following conditions.—First. Don Alexandro Forbes and his associates undertake the working of the three pertenencias embraced in said quicksilver mine, for the term of sixteen years, according to the authority granted by the preinserted power of attorney, and without the concurrence of Señor Castillero being necessary, as this contract is not beyond the limits for which Macnamara was empowered.—On the

Continuation of the Instrument of Tepic.

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margin numbered.=Second. That Señor Forbes and his associates are bound to furnish the necessary supplies (avios), defray the requisite expenses, and maintain the mine in good working order, and conformably to the mining ordinances.=On the margin numbered.=Third. That of the products of the three pertenencias which the mine embraces, Señor Forbes and his associates shall receive two-thirds, and the other third shall remain in favor of the owners, without the deduction therefrom of any expenses whatever.=On the margin numbered.=Fourth. That at the expiration of the sixteen years of this partnership. the negotiation shall remain at the absolute disposal of the owners, and likewise all the materials, buildings, and other appurtenances belonging thereto, such as machinery and other utensils connected with the negotiation, and in no manner shall Señor Forbes and his associates have any right to demand any other expenses of any kind which they may have incurred for their own proper use and benefit. Being present, Señor Don Alexander Forbes, whose person I certify I know, for himself, and as representative of the shareholders in this business, and informed of the foregoing conditions of the pre-inserted power of attorney, he said: that they are in entire conformity with the terms on which he has entered into this transaction. Both parties to this instrument manifested that this contract has been entered into with the conditions stipulated, that they bind themselves to its exact fulfillment without interpretations, and not to contradict this instrument in whole or in part, and the party who shall not perform this engagement shall be constrained to the observance of the same, summarily, according to law, and also to the payment of damages and the expenses which may be incurred, the amount of which shall be determined by the oath of the other party, without other proof, which they waive, although such may be required by law. And to the execution of this contract, the parties to this instrument bind their property and that of the partners in the mine, and of the associates of Señor Forbes, and subject the same to the jurisdiction of the Judges who may have cognizance of their causes, that they may constrain them to its fulfillment as by virtue of a definitive decree against them, acquiesced in and become *res judicata*. So they covenanted and signed, being witnesses thereto the citizens Nicholas Figueroa, Manuel Covarrubias and Luis Villalbaso, present, and residents of this place. I give faith=Eugenio Macnamara=Alexandro Forbes=Panfilo Solis. This was taken from its register this the day of its execution, on these four leaves of the corresponding paper: I give faith=Panfilo Solis, Notary Public. The foregoing instrument agrees with the original copy, which, on four useful

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leaves of the first and fourth stamp, I certify that I have before me. The aforesaid Don Andres Castillero proceeded to say that, in the most solemn manner which the law permits, he declares: that he binds himself, on his part, to fulfill exactly and faithfully, as one of the partners contracting with Señor Forbes, everything contained in the above inserted instrument, which he approves and ratifies in all its parts, desiring that he may be held from this time forth as one of those bound to the fulfillment of its contents.

Continuation of the Instrument of Mexico.

From this day, until the expiration of the term of the sixteen years of the contract, he binds himself, and his heirs and successors, not to demand any thing against the instrument above inserted, but if he should so do, he desires that he may not be heard either in or out of Court. He grants in favor of the "avio," and for the sixteen years of the contract, the two square leagues of land of which the Supreme Government has made him a concession, as is shown by the official document which he presents, that it may be copied at the end of the present instrument, and be inserted in the copies which may be issued of the same. And, in regard to the want of formality which may be observed in the power of attorney inserted in the instrument copied in this present, he binds himself to obtain the explicit consent of his copartners, who will ratify the present instrument, to remove any doubts which might occur with respect to the authority of the Padre Don Eugenio Macnamara, to represent the copartners of Señor Castro and the declarant. He declares also that he consents that the contract contained in this instrument shall not go into effect until the English company shall be in quiet and peaceable possession of the mine referred to. With which qualifications and conditions, the aforesaid Señor Castillero binds himself, on his part, to the fulfillment of all the above written, and asserts that, for the execution of the present instrument, he has not been deceived; that, on the contrary, it is beneficial to his interests, and that in it there are no other conditions than those expressed, neither does the agreement bear with it lesion or usury of any kind, as he swears by God and the sign of the cross; but if any such should result, of the excess he makes concession and donation to the English company, pure, perfect, and irrevocable, with judicial exhibition and renunciation of the law second, title first, book tenth, of the Novisima Recopilacion. From this time forth until the expiration of the sixteen years of the contract, and reserving solely the rights which by dominion and ownership belong to him, he dispossesses himself, gives up, and separates himself and his heirs from the right of possession, and any other rights which he

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